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FORMAL GRIEVANCE PROCEDURES FOR PUBLIC-SCHOOL TEACHERS, 1965-66.

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THIS STUDY REPORTS THE FINDINGS FROM AN NEA RESEARCH DIVISION SURVEY OF GRIEVANCE PROCEDURES IN SCHOOL SYSTEMS WITH ENROLLMENTS OF 12,000 OR MORE FOR THE 1965-66 SCHOOL YEAR. THE STUDY IS LIMITED TO FORMAL PROCEDURES USED FOR PROCESSING THE GRIEVANCES OF PUBLIC SCHOOL TEACHERS. INFORMATION FOR THE REPORT WAS OBTAINED FROM QUESTIONNAIRE RESPONSES RECEIVED FROM 374 SCHOOL SYSTEMS. THE QUESTIONNAIRE ASKED FOR STATUS INFORMATION NOT UNIVERSALLY AVAILABLE IN WRITTEN GRIEVANCE POLICIES. THIS INFORMATION INCLUDED TYPE OF PROCEDURE, NUMBER OF PROCESSINGS, PERSONNEL COVERED, AND DISSEMINATION OF THE POLICY. THE REPORT PROVIDES A FRAME OF REFERENCE FOR SCHOOL PERSONNEL, EDUCATION ASSOCIATIONS, AND INTERESTED LAYMEN FOR BOTH ESTABLISHING AND IMPROVING FORMAL GRIEVANCE PROCEDURES. EXCERPTS FROM FORMAL GRIEVANCE PROCEDURES PROVIDE EXAMPLES OF NEARLY EVERY TYPE OF PROVISION OR ELEMENT FOUND IN THE GRIEVANCE PROCEDURES RETURNED BY THE SCHOOL SYSTEMS. A 101-ITEM BIBLIOGRAPHY ON GRIEVANCE PROCEDURES IS INCLUDED. THIS DOCUMENT IS AVAILABLE AS STOCK NO. 435-13922 FROM PUBLICATIONS SALES SECTION, NATIONAL EDUCATION ASSOCIATION, 1201 SIXTEENTH STREET, N.W., WASHINGTON, D.C. 20036, FOR $1.25. (HW)

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FOREWORD

The problems, disputes, or complaints of school personnel, if channeled in the appropriate direction, can be creative rather than destructive. In recent years, there has been a substantial increase of interest in the appropriate processing of staff grievances in education.

This report presents an analysis of formal grievance procedures for the classroom teacher currently in effect in the public schools. For school personnel, education associations, and interested laymen this report provides a frame of reference for both establishing and improving formal grievance procedures.

Formal Grievance Procedures for Public-School Teachers, 1965-66 was prepared by Marsha A. Ream and Donald P. Walker, Research Assistants.

The NEA Research Division is grateful to the staff members of the school systems who supplied the basic information for this study.

GLEN ROBINSON
Director, Research Division

I. INTRODUCTION

This study reports the findings from an NEA Research Division survey of grievance procedures in school systems with enrollments of 12,000 or more for the 1965-66 school year. The study is limited to formal procedures used for processing the grievances of public-school teachers.

To establish a consistent basis for discussion and interpretation, it is necessary to define the terms grievance and grievance procedures. These terms will be used throughout this study as defined.

A grievance is any complaint, problem, or dispute based upon the conditions or circumstances under which an employee works. These conditions or circumstances, whether real or imaginary, may be either directly or indirectly related to written documents, verbal instructions, or environment.

A grievance procedure is a method by which an individual employee can express a complaint, problem, or dispute without fear of reprisal and obtain a fair hearing at progressively higher administrative levels. A grievance procedure provides democratic interpretation and application of personnel policies and practices. If the procedure is in written form and adopted by the board of education, it may be considered to be formal.

Procedures for This Study

In October 1965, the NEA Research Division mailed a brief questionnaire to all school systems with enrollments of 12,000 or more. The school systems were asked to complete the questionnaire and to return it along with a copy of their grievance procedure and pertinent forms for filing a grievance. A follow-up postal card reminder was mailed a month later. The questionnaire results and the written grievance policies were used in developing this report.

The questionnaire asked for status information that is not universally available in written grievance policies. This information included type of procedure, number of processings, personnel covered, and dissemination of the policy. Table 1 shows the number of questionnaires sent and the number and percent of those queried that furnished usable data. All school systems with enrollments of 12,000 or more (Strata 1-4) were sent questionnaires. Replies were received from 374 school systems, a 79.4-percent response.

The written grievance policies were tabulated and analyzed on a descriptive check list. This check list was designed to cover various provisions which might be found in a grievance procedure. It was used to systematize the gathering of special provisions contained in the numerous grievance policies returned to the Division. It was not expected that a single policy would contain all the various elements on the check list.

Types of Grievance Procedures

The school systems were asked what type of procedure was available for adjusting employee grievance. Analysis of those types of grievance procedures available for public-school personnel in reporting school systems with enrollments of 12,000 or more is shown in Table 2.

A formal grievance procedure used to adjust individual teacher complaints, problems, or disputes was found in 34.5 percent of all

TABLE 1.--NUMBER OF QUESTIONNAIRES SENT AND NUMBER AND PERCENT OF RESPONSES

Enrollment stratification	Total number of school systems, 1965-66	Number and percent of systems reporting as percent of total school systems	
		Number	Percent
1	2	3	4
Stratum 1--100,000 or more ..	24	24	100.0%
Stratum 2--50,000-99,999	47	41	87.2
Stratum 3--25,000-49,999 ...	83	70	84.3
Stratum 4--12,000-24,999	317	239	75.4
Total, Strata 1-4.	471	374	79.4%

TABLE 2.--TYPES OF GRIEVANCE PROCEDURES AVAILABLE IN REPORTING SCHOOL SYSTEMS WITH ENROLLMENTS OF 12,000 OR MORE, 1965-66

Type of procedure	Total systems reporting with enrollments of 12,000 or more		Strata, by enrollment			
			1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
	Number	Percent				
1	2	3	4	5	6	7
Formal grievance procedure used to adjust individual teachers' (and other staff members') problems, disputes, or complaints ..	129	34.5%	62.5%	51.2%	27.1%	31.0%
Formal grievance procedure used to adjust only individual nonprofessional employee problems, disputes, or complaints	14	3.7	8.3	2.4	5.7	2.9
Other procedures checked as formal grievance procedures, but may have limited use for adjusting individual problems, disputes or complaints	39	10.4	4.2	9.8	8.6	11.7
Procedures generally understood but not formally adopted by the board of education and not written	133	35.6	20.8	26.8	42.9	36.4
No procedure for adjusting employee problems, disputes, or complaints.....	59	15.8	4.2	9.8	15.7	18.0
		100.0%	100.0%	100.0%	100.0%	100.0%
Number of school systems reporting	374	...	24	41	70	239

12,000 or more. This category specifically includes classroom teachers, but in some instances will also include other members of the instructional staff, administrators, supervisors, nonprofessional employees, or all employees of the school board.

In 3.7 percent of the reporting school systems with enrollments of 12,000 or more, the formal grievance procedure applied exclusively to nonprofessional employees.

Table 2 shows that 10.4 percent of all reporting systems with enrollments of 12,000 or more utilized procedures which have limited use for adjusting individual problems, disputes, or complaints. This category contained various communication procedures used in board-administrator-teacher relations which were enclosed to represent a formal grievance procedure. The various enclosures included procedures for recognition, representation, and negotiation with employee organizations; procedures for the establishment and use of administrative advisory committees for suggesting changes in personnel policies and practices; procedures which are used only for dismissal or nonrenewal of contracts; grievance procedures not adopted by the school board; procedures for public hearings of complaints before the school board; and a procedure for a suggestion system for changes in personnel policies and practices. These procedures were somewhat limited in scope, and were designed either for a particular problem or for recommending changes in personnel policies and practices.

Unwritten procedures generally understood but not formally adopted by the board were found in 35.6 percent of all reporting systems with enrollments of 12,000 or more. However, 18 of these systems indicated that they were in the process of developing formal grievance procedures.

No procedure for adjusting employee problems, disputes, or complaints was reported by 15.8 percent of the total systems.

Scope of This Report

Analysis and interpretation of the data for this report will be based on those 129 school systems which had a formal grievance procedure for public-school teachers. In addition to the introduction, this report contains 4 sections:

II. Overview

III. Analysis of Formal Grievance Procedures

IV. Exerpts from Formal Grievance Procedures

V. Selected References

The Appendix contains the following: (a) the check list used in the analysis of the grievance policies and (b) examples of pertinent forms for filing a girevance.

II. OVERVIEW

Grievance machinery in public education reflects not only the variation and particular needs of the school systems, but also state statutes, rulings, and court opinions with regard to conditions of employment. For example, many states have teacher contract laws governing the circumstances under which a teacher may be employed or dismissed. States may also have statutes, rulings, and court opinions relevant to grievance processing for public employees, some specifically including school personnel. Thus, grievance procedures in public education are likely to be quite different from one another and to reflect the particular condition of the school systems in which they developed.

Grievance procedures in private employment developed primarily from formal contract agreements between employer and employee groups. The contract's proper administration is assured by the grievance procedure, and the contract provides the rationale for the disposition of a grievance.[1/] The concept that grievance adjustment is a personnel function developed secondarily.

In general, the origins of grievance machinery in public education have been in reverse order to the origins in private employment. In public education, grievance adjustment was first recognized as a personnel function as it related to the interpretation and application of existing personnel policies and practices. The recent development of professional negotiations with its signed agreement between staff and school board has caused the processing of grievances to be viewed more as matters relating to violations of the agreement. However, in public school systems the objectives of grievance procedures seem generally to be thought of more broadly than just in connection with an agreement.

The broad objectives of processes for grievance adjustment in a public school system are:

- Unobstructed communication with respect to alleged grievances without fear of reprisal
- Reduction of the potential area of conflict between staff members and administrators and boards of education
- Two-way communication through recognized channels between administrators and staff members and boards of education
- Development of improved morale and effectiveness of staff members.[2/]

The public schools as organizations of people, are not immune to problems, disputes, or complaints. Often when human beings work and interact, unsatisfactory conditions are endemic, no matter how enlightened the administration.[3/] If permitted to exist unremedied, these conditions are likely to produce undesirable effects within the school.

The need for a grievance procedure may be directly related to the increase in size and complexity of the school system. Randall stated:

> The rise of the large school organization has completely changed the teacher-administrator relationship. No longer are these relationships established on an individual basis. The complexity of the organization and the increasing degree of impersonality of relationships have not only led to a greater number of situations that could promote grievances but have also made it more difficult to find and justly settle complaints and grievances.[4/]

1/ Doherty, Robert E., editor. Employer-Employee Relations in Public Schools. Ithaca, N.Y.: New York State School of Industrial and Labor Relations, Cornell University, 1967. p. 133.

2/ National Education Association, Commission on Professional Rights and Responsibilities. Taking the Grief Out of Grievances in Public School Systems. Washington, D.C.: the Commission, 1967. p. 3.

3/ Stahl, O. Glenn. Public Personnel Administration. New York: Harper and Row, 1962. p. 199.

4/ Randall, Gerald A. Grievance Procedure for Public School Professional Personnel. New York: Teachers College, Columbia University, 1960. p. 12-13. (Unpublished doctoral dissertation).

Although the existence of democratic personnel policies and practices may serve as a preventive measure, grievances, expressed or unspoken, are virtually certain to exist in any school system. It is important, therefore, to provide the most effective and logical procedure by which grievances may be adjusted, should they arise. The basic problem, then, becomes whether the procedure should be formal or informal.

An informal procedure generally understood but unwritten and not formally adopted by the board of education is considered the "open door" policy. Although grievances may be adjusted by this method, it has decided limitations. First, the individual is often reluctant to confront the superintendent in his office. Second, the superintendent may not be available at the time the problem arises. Furthermore, the employee and the superintendent may view problems, disputes, and complaints in a different frame of reference. Third, bypassing the immediate supervisor may create a resentment or strained relations.[5/]

There are certain advantages observed or hypothesized as accruing from a formalized process for grievance settlement. These advantages, though expressed in a variety of ways, are basically related to communications, morale, and the efficient operation of a school system. Professional literature and research findings[6/] suggest that the advantages of formal grievance procedures are, as follows:

- Provides an open two-way channel for communication of constructive suggestions and criticism
- Gives the administration an indication of actual or potential problems before they become crucial
- Provides a means of interpretation and explanation of policies and practices thereby reducing the chance of misunderstanding
- Reduces the number of trivial or specious complaints that consume time, money, and energy
- Tends to balance the power and influence of both teachers and administrators, ensuring impartiality in grievance settlement
- Favorably influences employee efficiency and productivity
- Reduces fear and reluctance to express a grievance
- Aids in discovering those grievances that have implications other than the expressed complaint
- Improves the morale of employee and administrator.

Ideally, the formal procedure should be developed cooperatively by the staff and administration. The local employee organization could represent the staff in proposing the plan and in working with the administration. The employee organization may also obtain a grievance procedure through negotiations with the school board.

The NEA Commission on Professional Rights and Responsibilities stresses that formal grievance procedure should be a part of the school system's written personnel policies, available to all concerned. An unnecessarily abstruse procedure may create misunderstanding and confusion concerning jurisdiction and execution. The purpose of the formal grievance procedure should be understood and accepted by teachers, administrators, and boards of education. A clear-cut, unequivocal written procedure will promote individual understanding, thereby encouraging equity of action.

It may happen, however, that one or more of the following barriers will impede the adjustment of a grievance, whether the procedure is formal or informal:

- Lack of knowledge that grievance machinery is available
- An individual belief (whether well-founded or not) that complaints, problems, or disputes are not expected, or that penalities will be invoked for filing a grievance
- The view that grievance machinery is not an essential feature of effective personnel management
- Staff failure to recognize and accept the value and long-range effectiveness of professional guidance, consultation, and supervision

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5/ Blocker, Clyde E., and Sterling, H. Schoen. "An Effective Procedure for a Non-Union Work Group." Personnel 31: 219; November 1954.

6/ For example, see: Blocker, Clyde E., and Sterling, H. Schoen. "An Effective Grievance Procedure for a Non-Union Work Group." Personnel 31: 218; November 1954.

Schuler, S. "Use Gripes To Build Morale." Nations Schools 50: 96-98; February 1962.

Stahl, O. Glenn. Public Personnel Administration. New York: Harper and Row, 1962. p. 199, 201, 210, 218.

Randall, Gerald A. Grievance Procedures for Public School Professional Personnel. New York: Teachers College, Columbia University, 1960. p. 3-7. (Unpublished doctoral dissertation)

- Employee organization does not provide service to its members with regard to grievance adjustment.7/

Status Information

To be included in this report, a formal grievance procedure must be in written form and been adopted by the board of education. The formalized process of grievance adjustment permits the individual teacher to submit a grievance, pertinent to personnel policies and practices, to a hearing through progressively higher administrative channels. As shown in Table 2, 34.5 percent (129 systems) of the reporting systems with enrollments of 12,000 or more had such a formal procedure for grievance settlement. Among enrollment groupings of systems, formal grievance procedures for public-school teachers were found in 62.5 percent of the reporting systems with enrollments of 100,000 or more, in 51.2 percent of the reporting systems with enrollments of 50,000-99,999, in 27.1 percent of the reporting systems with enrollments of 25,000-49,999, and in 31.0 percent of the reporting systems with enrollments of 12,000-24,999.

Figure I represents those 129 school systems with enrollments of 12,000 or more which reported the existence of a formal grievance procedure for public-school teachers. The figure shows the percentage of these 129 systems represented by each of the enrollment group.

The formalized process of grievance settlement was a recent development in many public school systems. Of the 129 school systems which reported the existence of a formal grievance procedure for public-school teachers, 62.9 percent indicated that the procedure had been in effect for less than five years. Approximately one-half, 48.9 percent, had been in effect for less than three years. The question asked and the results were:

How many years has your grievance procedure been in effect?

Number of years	Percent of reporting systems with enrollments of 12,000 or more
Less than 1	14.0%
1 but less than 2	12.4
2 but less than 3	22.5
3 but less than 4	10.1
4 but less than 5	3.9
5 but less than 10	14.7
10 but less than 15 ...	9.3
15 but less than 20 ...	8.5
20 or more.....	2.3
Unknown	2.3
	100.0%
Number of systems reporting	129

A grievance procedure in effect for two years but less than three years was reported most frequently, by 22.5 percent. Fourteen percent of the grievance procedures had been in effect for less than 1 year. Slightly more than one-fifth, 20.1 percent, of the grievance procedures had been in effect for more than 10 years.

More than two-thirds, 68.2 percent, of the school systems reported that their formal grievance procedure had been used. Thirteen percent of the systems that indicated their grievance procedure had not been used, were systems having grievance procedures in effect longer than five years. The school systems reported as follows:

Has your grievance procedure ever been used?

	Percent of reporting systems with enrollments of 12,000 or more
Yes	68.2%
No	29.5
Not indicated	2.3
	100.0%
Number of systems reporting	129

How extensively had the formal grievance procedures been used? As shown below, 37.2 percent of the school systems reported that the procedure had been utilized to process from one to five grievances in the two-year period prior to this study. Note that the inquiry for this study was sent in October 1965. The question asked and the results were:

How many grievance processings have been initiated in the past two years?

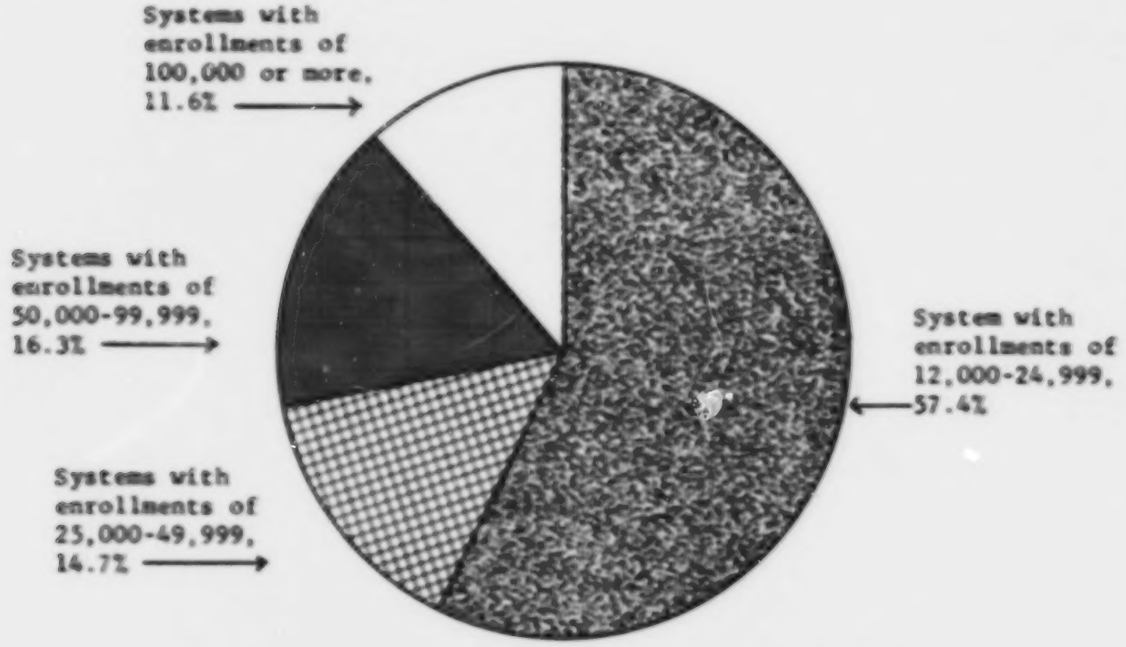
Number of initiated grievances	Percent of reporting systems with enrollments of 12,000 or more
1 to 5 grievances	37.2%
6 to 10 grievances	3.9
11 to 15 grievances	2.3
16 to 20 grievances	...
21 or more grievances ...	1.6
Not indicated	23.3
Procedure has not been used	31.8
	100.0%
Number of systems reporting	129

Of the 129 school systems with formal procedures, 31.8 percent reported that their grievance procedure had not been used to initiate a grievance processing, and 23.3 percent did not know how many grievances had been initiated.

All 129 school systems with formal grievance procedures permit the classroom teacher to process a grievance. However, many of these formal

7/ National Education Association, National Commission of Professional Rights and Responsibilities, op.cit., p. 5.

FIGURE I
DISTRIBUTION OF THE 129 SCHOOL SYSTEMS WITH A FORMAL GRIEVANCE PROCEDURE AMONG THE ENROLLMENT STRATIFICATIONS


Systems with enrollments of 100,000 or more, 11.6%
Systems with enrollments of 50,000-99,999, 16.3%
Systems with enrollments of 25,000-49,999, 14.7%
System with enrollments of 12,000-24,999, 57.4%

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procedures permit other employees to process a grievance under the terms set forth in the procedure. The employee groups covered by these grievance procedures were reported as follows:

Which employee groups can process a grievance under the grievance procedure?

Employee group	Percent of reporting systems with enrollments of 12,000 or more
All school employees ...	62.0%
Professional employees only	12.4
Teachers and instructional staff only	17.1
Teachers and nonprofessional staff only	8.5
	100.0%
Number of systems reporting	129

All school employees were permitted to process a grievance in 62.0 percent of those school systems with enrollments of 12,000 or more which reported a formal grievance procedure. In 12.4 percent, the grievance procedure was available to professional personnel only. The remaining 25.6 percent included 17.1 percent in which the grievance procedure applied to teachers and instructional staff only, and 8.5 percent in which it applied to teachers and nonprofessional employees only.

The initial impetus to the establishment of the grievance procedure may come from a single source or combination of sources. The question asked and the results were:

Who or what gave initial impetus to the establishment of the grievance procedure?

Group or agency	Percent of reporting systems with enrollments of 12,000 or more
School administrators ..	33.3%
Employee organizations .	17.8
Joint effort of school administrators and employees	29.5
State statute or state department of education	15.5
Outside consultant firm	0.8
Not indicated	3.1
	100.0%
Number of systems reporting	129

In one-third of those school systems which reported a formal grievance procedure, the school administrators gave impetus to the establishment of a formalized grievance process. Next in descending order of frequency, reported by 29.5 percent of the systems, was a joint effort by the school administration and employees.

Obviously the formal grievance procedure would be of little or no value if the school staff was not aware of its contents or its existence. One means of dissemination would be to make a written copy of the procedure available:

Who had a copy of the written grievance procedure?

	Percent of reporting systems with enrollments of 12,000 or more
All school employees ...	48.8%
Professional staff members only	27.1
Administrators and supervisors but other employees had access to a copy in the building or through an employee organization.	16.3
Administrators and supervisors only	7.0
Not indicated	0.8
	100.0%
Number of systems reporting	129

Nearly half, 48.8 percent, of the school systems reporting formal grievance procedures made a copy of the grievance procedure available to all school employees. Only 7.0 percent reported that copies remained exclusively in the possession of the administrators and supervisors.

One or more publications regulating personnel policy often contain the grievance procedure. The question asked and results were:

In what written document(s) does the grievance procedure appear?

Document	Percent of reporting systems with enrollments of 12,000 or more
Agreement or contract with recognized employee organization ..	12.4%
Personnel policies handbook	48.1
Board rules and regulations	68.2
Teacher's handbook	22.5
Other[8/]	7.8
Not indicated	0.8
Number of systems reporting	129

8/ Included a newsletter or bulletin for distribution of the grievance procedure, administrator's handbook, handbook for local professional rights and responsibilities, and personnel division report.

In what number of publications did the grievance procedure appear?

	Percent of reporting systems with enrollments of 12,000 or more
Single publication only	45.7%
Two publications only	36.4
Three or more publications	17.1
Not indicated	0.8
	100.0%
Number of systems reporting	129

Negotiation and Grievance Machinery

There is a relationship between negotiation with the school board and grievance machinery. However, processing a grievance and negotiating an issue are two separate processes. Those two processes are related in four ways:

1. Grievance machinery may be one item of negotiation.
2. Grievance impasse may be negotiated.
3. Grievance processing may reveal the need for change in school policy. These changes, then, become items for negotiation.
4. A representative of the negotiation committee may be present at the final disposition of a grievance of an individual who did not request the help of the employees' organization.

Sixteen (12.4 percent) school systems with a formal grievance procedure reported that their procedures were contained in agreements or contracts with the recognized employees' organization. Eight of the nine grievance procedures with provisions stipulating grievance arbitration (see Tables 13 and 14) were found to be negotiated procedures. Considering the aforementioned facts and the ways in which negotiation and grievance adjustment are related, the impact of negotiation upon formal grievance machinery could be influential in the future.

III. ANALYSIS OF FORMAL GRIEVANCE PROCEDURES

School systems vary in size, character, and organization; hence, a formal grievance procedure will reflect the needs and conditions of the particular school system it serves. There are, however, general structural similarities in formal grievance procedures. The three basic phases in a formal procedure are:

A. Initiation
B. Intermediate procedural steps
C. Final appeal

Each phase may contain certain elements or provisions that either limit or broaden the process of grievance adjustment. Time limits, which may be present in all three phases, will be considered separately for purposes of presentation and analysis of summary data.

There are some similarities with the provisions and general structure of the grievance procedures used in business and industry. These similarities may be summarized, as follows:

1. A method of authenticating a grievance prior to its entrance into the regular grievance machinery

2. Provision for grievance settlement at the employee-supervisor level

3. Series of appeal steps from immediate supervisor to highest administrator

4. Time limits for each procedural step

5. Counsel or aid for the grievant in presenting and processing a grievance

6. Enforcement in the event of impasse

7. Representation for employee and employer at each procedural step.1/

This section will present an analysis of the 129 formal grievance procedures for public-school teachers in reporting systems with enrollments of 12,000 or more. The provisions or elements of the formal grievance policies were analyzed from initiation through final appeal. A descriptive check list (reproduced in the Appendix) was developed to encompass the provisions of formal grievance processing. Each written grievance policy was then analyzed on the check list. It was not expected that any one grievance policy would contain all the elements incorporated in the check list.

Initiation

The basic elements for initiation of a grievance are the definition and terms of a grievance, and representation for the employee(s) in initiating and processing the grievance. Questions 1 through 7 on the check list represent the elements of initiation.

Were there any restrictions or limitations on the definition of a grievance? The prevalent practice among the school systems reporting for this study was an unqualified definition or terms of a grievance; this was accomplished in one of two ways: (a) by a broadly written provision pertaining to the definition and terms of a grievance, or (b) by the absence of any provision pertaining to the definition or terms of a grievance. Table 3 shows that in 81.4 percent (105 systems) of the systems with a formal grievance procedure, the written policies contained no provision limiting or restricting those types of problems, disputes, or complaints which could be initiated for grievance processing. However, 18.6 percent of the total systems had a written provision pertaining to the definition and terms of a grievance containing limitations or restrictions. In 13.2 percent of the systems, these restrictions were prescribed by state statute, and the remaining 5.4 percent were limited by the possible interpretation that could be given to the written definition of a grievance. Note that, unlike business and industry, the 16 grievance policies contained in agreements or contracts included as grievances not only items covered by the agreement, but also other personnel policies and practices.

The initiation phase of a formal grievance procedure will sometimes contain a written statement protecting the employee(s) from future discrimination or reprisal owing to the processing of a grievance. As shown in Table 4, there was such a provision in 27.9 percent of the 129 school systems with a formal grievance procedure.

1/ Randall, Gerald A. Grievance Procedure for Public School Professional Personnel. New York: Teachers College, Columbia University, 1960. p. 77. (Unpublished doctoral dissertation)

TABLE 3.--RESTRICTIONS OR LIMITATIONS ON THE DEFINITION OF A GRIEVANCE

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
Restrictions or limitations on the definition of a grievance	24	18.6%	26.7%	19.0%	10.5%	18.9%
No restrictions or limitations	105	81.4	73.3	81.0	89.5	81.1
	...	100.0%	100.0%	100.0%	100.0%	100.0%
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

TABLE 4.--WRITTEN STATEMENT PROTECTING EMPLOYEES FROM POSSIBLE FUTURE DISCRIMINATION OR REPRISAL OWING TO THE PROCESSING OF A GRIEVANCE

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
There is a written statement protecting employees from possible future discrimination or reprisal owing to the processing of grievances	36	27.9%	33.3%	19.0%	26.3%	29.7%
No provision	93	72.1	66.7	81.0	73.7	70.3
	...	100.0%	100.0%	100.0%	100.0%	100.0%
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

TABLE 5.--GRIEVANCE INITIATION BY A GROUP OF EMPLOYEES OR AN EMPLOYEES' ORGANIZATION

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
A group of employees or an employee's organization may present a grievance	38	29.5%	40.0%	42.9%	26.3%	24.3%
No provision or not indicated	91	70.5	60.0	57.1	73.7	75.7
	...	100.0%	100.0%	100.0%	100.0%	100.0%
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

TABLE 6.--ROLE OF EMPLOYEES' ORGANIZATION IN GRIEVANCE INITIATION

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
An employee may first take his grievance to his organization	26	20.2%	26.7%	33.3%	10.5%	17.6%
The employee's organization may support the employee in processing his grievance.	52	40.3	60.0	57.1	31.6	33.8
The employee's organization helps the employee in the following ways:						
Evaluates the grievance	11	8.5	13.3	14.3	5.3	6.8
Gathers evidence	3	2.3	6.7	4.8	...	1.4
Hears witnesses	2	1.6	6.7	4.8	...	...
Acts as advisory panel	9	7.0	20.0	14.3	5.3	2.7
Counsels employee	20	15.5	40.0	19.0	15.8	9.5
Represents employee	46	35.7	53.3	52.4	31.6	28.4
Submits grievance to higher levels of authority	5	3.9	13.3	4.8	...	2.7
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

All of the 129 school systems with a formal grievance procedure permit the individual to initiate a grievance. The question, then, becomes whether a group of employees or an employees' organization can present a grievance. In 29.5 percent of the total systems, grievance initiation was permitted not only by the individual but also by a group of employees or an employees' organization. Table 5 presents the analysis of the grievance policies with regard to the aforementioned provision.

What was the role or function of the employees' organization in the initiation phase of formal grievance adjustment? Table 6 shows that in 20.2 percent of the school systems with a formal grievance procedure, the employee may take his grievance to his organization prior to its entrance in the formal grievance machinery. In 40.3 percent of the total systems the grievance procedure specifies that the employees' organization may support the grievant in processing his grievance by at least one of seven methods. As shown in Table 6, the methods by which the employees' organization could support the grievant were, in descending order of frequency among the total systems, as follows: represent employee (35.7 percent); counsel employee (15.5 percent); evaluate the grievance (8.5 percent); act as advisory panel (7.0 percent); submit grievance to higher authority (3.9 percent); gather evidence (2.3 percent); and hear witnesses (1.6 percent).

Table 7 shows that in 58.1 percent of the school systems with a formal grievance procedure, an employee may be represented or accompanied by another individual who may be the organization representative in the processing of his grievance. Note that the representation for the employee could have special force if the individual does not wish to "go it alone" in the processing of a grievance, or if the particular grievance has implications for the school system or the entire teaching profession.

Time limits may be present in the initiation phase of a formal grievance procedure. Table 8 shows that in 10.9 percent of the school systems with a formal grievance procedure, the

grievant must file[2] his grievance within a specified time period after it occurs or he becomes aware of the cause. The time limit varied: 10 days or less in 3.9 percent of the total systems; 11 through 20 days in 1.6 percent; and 21 through 30 days in 3.9 percent. A "reasonable time" was specified in 1.6 percent of the total systems with a formal grievance procedure.

Frequently, the first step of initiation is stipulated by the provisions of the grievance policy. Table 9 shows that in 79.8 percent of the school systems with a formal grievance procedure, a provision of the policy stipulated that the immediate supervisor or the principal was the first step in grievance processing.

Intermediate Procedural Steps

Experience has shown that many problems, disputes, or complaints are solved in a satisfactory manner by principals, or immediate supervisors. However, it cannot be assured that all grievances can be ameliorated by the principal or immediate supervisor. A grievance plan, therefore, needs to provide a method whereby grievances may be appealed to higher levels for decision.[3]

The elements of the intermediate procedural phase of formal grievance adjustment are: number of appeal steps for processing a grievance through administrative channels; grievance reduced to written form; establishment of a grievance committee; alternate channel for processing a grievance through the employee's organization; and witnesses, evidence, records, and representation during the discussion or hearing. Questions 8 through 19 on the check list (reproduced in the Appendix) represent the intermediate elements.

Table 10 shows the number of appeal steps or levels, stipulated in the grievance policy, through which a grievance may be processed for a decision. These appeal steps or levels provide an orderly sequence for processing a grievance through progressively higher administrative channels. For example, the grievance policy may stipulate the principal as the first appeal step, and, then, in ascending order, appeal to the assistant superintendent, the superintendent, and the board of education. The levels of appeal varied from one step to seven steps. The number of steps or levels stipulated most frequently by the total systems with a formal grievance procedure was four (43.4 percent of the systems).

As shown in Table 10, 20.9 percent of the total systems with a formal grievance procedure permit the aggrieved to skip a step in the grievance process. Skipping of a step is usually done only for persuasive reasons, e.g., a member of the administrative levels is a party to the grievance.

The grievant may wish to remove his grievance from the regular administrative steps or levels shown in Table 10, and appeal to his organization. An alternate channel or step through the employees' organization is provided by 18.6 percent of the total systems with a formal grievance procedure. The employees' organization may serve a diverse function; thus,

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2/ See Appendix, Pertinent Forms for Filing a Grievance.

3/ National Education Association, Department of Classroom Teachers. Conditions for Quality Teaching. Washington, D.C.: the Department, November 1959. p. 93.

TABLE 7.--REPRESENTATION FOR THE EMPLOYEES IN INITIATING AND PROCESSING A GRIEVANCE

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
An employee may be represented or accompanied by another individual or an organization representative in the processing of his grievance	75	58.1%	66.7%	57.1%	42.1%	60.8%
No provision or not indicated	54	41.9	33.3	42.9	57.9	39.2
	...	100.0%	100.0%	100.0%	100.0%	100.0%
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

TABLE 8.--TIME LIMITS FOR GRIEVANCE INITIATION

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
The grievant must file his grievance within a specific time period after it occurs or he becomes aware of its cause	14	11.0%	20.0%	9.5%	5.3%	10.9%
No provision or not indicated	115	89.1	80.0	90.5	94.7	89.2
	...	100.1%	100.0%	100.0%	100.0%	100.1%
Number of school systems with a formal grievance procedure	129	...	15	21	19	74
Period of time allowed for the initial presentation after a grievance occurs:						
10 days or less	5	3.9%	...	...	...	6.8%
11 through 20 days	2	1.6	...	...	5.3%	1.4
21 through 30 days	5	3.9	6.7%	9.5%	...	2.7
Reasonable time	2	1.6	13.3	...	...	...

it may assume the role of advocate, adversary, or concerned observer. Effective action by the employees' organization during the intermediate procedural phase of formal grievance adjustment tends to improve the functioning of the regular appeal channels. In 15.5 percent of the total systems (83.3 percent of those systems which stipulated an alternate channel), the alternate channel through the employees' organization dovetailed with the regular appeal steps or levels at some point.

A formal grievance procedure will sometimes provide, within the regular steps or levels for grievance appeal, the opportunity for the grievant to present his case before a hearing committee that is usually authorized to advise on an equitable disposition of the grievance. Table 11 presents information concerning the existence, duration, selection, and composition of such committees. Over one-third, 34.9 percent, of the total systems with a formal grievance procedure had a grievance committee functioning as an intermediate appeal step or level. As shown in Table 11, the members of the grievance committee were appointed in 18.6 percent of the total systems, elected in 5.4 percent, and some appointed and some elected, 8.5 percent.

In 12.4 percent of the total systems with a formal grievance procedure, the grievance committee was a standing committee selected for a specified number of years. The number of years which the grievance committee could stand varied from one to five. As shown in Table 11, 14.7 percent of the total systems select the members of the grievance committee as needed, while the duration of the grievance committee was not indicated in the remaining 7.8 percent. The number of members selected for the grievance committee varied from three in 10.9 percent of the total systems to eight or more in 1.6 percent.

The members of the grievance committee according to majority groups are shown in Table 11. The prevalent practice among the total systems (12.4 percent) was selection or appointment of the grievance committee members by the employees' organization or from the classroom teachers. Other practices indicated by the grievance policies were, in descending order of frequency, as follows: in 7.8 percent of the total systems with a formal grievance procedure the majority of the grievance committee members were appointed or selected from or by the administrative or supervisory staff; in 6.2 percent the majority of the grievance committee

TABLE 9.--IMMEDIATE SUPERVISOR OR PRINCIPAL STIPULATED AS THE FIRST STEP IN GRIEVANCE PROCESSING

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
The immediate supervisor or principal is stipulated as the first step in the grievance procedure	103	79.8%	86.7%	71.4%	78.9%	81.1%
No provision or not indicated	26	20.2	13.3	28.6	21.1	18.9
	...	100.0%	100.0%	100.0%	100.0%	100.0%
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

TABLE 10.--APPEAL STEPS OR LEVELS IN FORMAL GRIEVANCE ADJUSTMENT

Provisions	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000 99,999	3--25,000 49,999	4--12,000-24,999
1	2	3	4	5	6	7
Total number of steps or levels which are stipulated in the grievance procedure through which a grievance may be processed for a final decision:						
One step	2	1.6%	...	...	...	2.7%
Two steps	11	8.5	6.7%	23.8%	5.3%	5.4
Three steps	26	20.2	26.7	4.8	5.3	27.0
Four steps	56	43.4	20.0	47.6	68.4	40.5
Five steps	25	19.4	33.3	23.8	10.5	17.6
Six steps	6	4.7	6.7	...	10.5	4.1
Seven steps	3	2.3	6.7	...	...	2.7
A grievant may skip a step in the grievance process and proceed to the next step	27	20.9	60.0	28.6	5.3	14.9
The grievance procedure provides an alternate channel or step through the employees' organization for the grievant to process his grievance	24	18.6	13.3	33.3	...	20.3
The alternate channel dovetails with the regular appeal steps or levels	20	15.5	13.3	23.8	...	17.6
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

TABLE 11.--EXISTENCE, DURATION, SELECTION, AND COMPOSITION OF THE GRIEVANCE COMMITTEE

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
			1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
	Number	Percent				
1	2	3	4	5	6	7
Grievance committee is available as part of the grievance procedure[a]	45	34.9%	73.3%	33.3%	42.1%	25.7%
The grievance committee is selected by:						
Appointment[b]	24	18.6	53.3	14.3	10.5	14.9
Election	7	5.4	...	9.5	5.3	5.4
Some appointed; some elected	11	8.5	20.0	9.5	21.1	2.7
Not indicated	3	2.3	...	...	5.3	2.7
The duration of the grievance committee:						
Standing for a specified number of years[c]	16	12.4	26.7	9.5	10.5	10.8
Selected when needed	19	14.7	40.0	14.3	21.1	8.1
Duration not indicated	10	7.8	6.7	9.5	10.5	6.8
The number of members selected for the grievance committee:						
3 members	14	10.9	26.7	9.5	5.3	9.5
4 members	3	2.3	...	...	5.3	2.7
5 members	8	6.2	20.0	4.8	10.5	2.7
6 members	6	4.7	6.7	4.8	5.3	4.1
7 members	4	3.1	...	9.5	5.3	1.4
8 or more members	2	1.6	...	...	5.3	1.4
Number of members not indicated	8	6.2	20.0	4.8	5.3	4.1
Members of the grievance committee according to majority group:						
Majority of the grievance committee members are appointed or selected from or by the administrative or supervisory staff	10	7.8	20.0	4.8	5.3	6.8
Majority of the grievance committee members are appointed or selected by the employees' organization or from the classroom teachers	16	12.4	20.0	9.5	5.3	13.5
Majority of the grievance committee members are appointed or selected from the grievant's classification or individuals not employees of the school board	8	6.2	26.7	4.8	10.5	1.4
Equal number of grievance committee members appointed or selected by the administration and the grievant or the grievant's organization	7	5.4	6.7	9.5	10.5	2.7
Even number of grievance committee members appointed or selected by the administration and grievant; odd number of members selected by the aforementioned	3	2.3	...	4.8	5.3	1.4
Make-up of the grievance committee is not indicated	1	0.8	...	...	5.3	...
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

a/ Groups of figures below may not add to these totals owing to rounding.

b/ Appointments were made to the grievance committee in the 24 systems: 12 grievance procedures indicated the administration; 4 were appointed by the employees' organization; 7 provided for appointments made by both the administration and the employees' organization; and 1 did not indicate.

c/ The number of years for which the grievance committee was permitted to stand in the 16 systems was: 5 indicated 1 year; 6 were for 3 years; and 1 was for 5 years. The remaining 4 systems did not specify the number of years the grievance committee was allowed to stand.

members were appointed or selected from the grievant's classification or individuals not employees of the school board; in 5.4 percent equal numbers of grievance committee members were appointed or selected by the administration, and the grievant or the grievant's organization; and in 2.3 percent even numbers of grievance committee members were appointed or selected by the administration and the grievant, then, the odd number of members was selected by the aforementioned.

Table 12 shows certain general provisions contained in the intermediate procedural phase of formal grievance adjustment. Nearly three-fourths, 74.4 percent, of the total systems with a formal grievance procedure require that grievances be reduced to written form at some step in the grievance processing.4/ In fourteen percent of the total systems, witnesses or evidence with regard to the grievance are admissible in the grievance process. Special times are set aside for hearing grievances in 1.6 percent of the total systems, and the employee or the employee's representative is allowed time off without loss of salary to attend grievance hearings in 4.7 percent of the total systems. In 5.4 percent of the total systems with a formal grievance procedure, school records pertinent to the grievance were made available to the grievant or grievant's representative during the investigation.

4/ See Appendix, Pertinent Forms for Filing a Grievance.

TABLE 12.--GENERAL PROVISIONS CONTAINED IN THE INTERMEDIATE PHASE OF FORMAL GRIEVANCE PROCEDURES

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
Grievances are reduced to written form at some step in the grievance process	96	74.4%	86.7%	38.1%	78.9%	81.0%
Witnesses or evidence are admissible at some step in the grievance process	18	14.0	33.3	14.3	15.8	9.5
Special times are set aside for hearing grievances	2	1.6	6.7	...	5.3	...
The employee or the employees' representative is allowed time off without loss of pay to attend grievance hearings	6a/	4.7	26.7	4.8	5.3	...
School records which are pertinent to the grievance are made available to the grievant or grievant's representative during the investigation	7	5.4	13.3	4.8	...	5.4
A representative of the recognized teacher organization may be present for the final disposition of the grievance	15	11.6	26.7	14.3	15.8	6.8
A representative of the minority organization may be present at some step in the grievance process	1	0.8	...	4.8	...	...
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

a/ One school system allows the grievant's representative time off without loss of pay to investigate the grievance.

As shown in Table 12, a representative of the majority employees' organization may be present for the final disposition of the grievance in 11.6 percent of the total systems. Only 0.8 percent of the total systems with a formal grievance procedure allow a representative of the minority employees' organization to be present at some step in the grievance process.

Final Appeal

The elements of final appeal are type of appeal, method of submission, selection of the third party, authority of the third party, and distribution of expenses. Questions 20 through 27 on the check list (reproduced in the Appendix) represent the elements of the final appeal.

Table 13 summarizes the final termination points of the appeal process stipulated in the grievance procedures. In over four-fifths, 82.2 percent, of the total systems with a formal grievance procedure, the final appeal was to the board of education. The remaining termination points for final appeal were, in descending order of frequency, as follows: the superintendent (10.1 percent), advisory arbitration (3.9

TABLE 13.--TERMINATION POINTS OF APPEAL STEPS, AND RECORDS OF FINAL DISPOSITION OF GRIEVANCE

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
Final termination point of the grievance process:						
Immediate supervisor	1	0.8%	...	...	...	1.4%
Superintendent[a]	13	10.1	13.3%	19.0%	10.5%	6.8
Board of education[b]	106	82.2	66.7	71.4	78.9	89.1
Advisory arbitration	5	3.9	...	4.8	10.5	2.7
Binding arbitration[c]	4	3.1	20.0	4.8	...	...
Permanent records are kept of the terminated grievance actions[d]	15	11.6	20.0	14.3	26.3	5.4
These permanent records maintained in:						
Superintendent's office	4	3.1	...	...	5.3	4.1
Personnel department or individual's personnel file	5	3.9	13.3	...	10.5	1.4
Separate from the grievant's personnel file	4	3.1	6.7	9.5	5.3	...
Arbitrator	1	0.8	...	...	5.3	...
Not indicated	1	0.8	...	4.8	...	...
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

a/ One grievance procedure stated that the board will hear grievances concerning salary increments and salary placement only.
b/ Four grievance procedures state that review by the board is only at the board's discretion.
c/ One grievance procedure stated that final and binding arbitration is to be negotiated.
d/ Figures below may not add to these totals owing to rounding.

percent), binding arbitration (3.1 percent), and the immediate supervisor (0.8 percent).

As stated previously and shown in Table 13, 11.6 percent of the total systems permit a representative of the recognized employee's organization to be present at the final disposition of a grievance.

Permanent records were kept of the terminated grievance action in 11.6 percent of the total systems with a formal grievance procedure. These permanent records were maintained in the superintendent's office (3.1 percent), in the personnel department or the individual grievant's personnel file (3.9 percent), separate from the grievant's personnel file (3.1 percent), or in the possession of the arbitrator (0.8 percent).

Seven percent of the total systems with a formal grievance procedure use a final appeal outside the local school system, arbitration. Arbitration is essentially a judicial process. The parties to the grievance submit evidence, and the arbitrator renders a decision which may be either advisory or final and binding,

TABLE 14.--FINAL APPEAL OUTSIDE THE LOCAL SCHOOL SYSTEM

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
Final appeal available outside the local system[a/]	9	7.0%	20.0%	9.5%	10.5%	2.7%
Advisory arbitration	5	3.9	...	4.8	10.5	2.7
Binding arbitration[a/]	4	3.1	20.0	4.8	...	...
Party to initiate final appeal:						
Grievant or grievant's organization	7	5.4	13.3	9.5	5.3	2.7
Mutual agreement among the parties	1	0.8	...	...	5.3	...
Arbitrator selected by:						
Joint selection by parties	4	3.1	6.7	4.8	5.3	1.4
Outside school private arbitration agency	2	1.6	...	4.8	5.3	...
State agency	2	1.6	6.7	...	...	1.4
Provision for joint selection impasse of arbitrator	1	0.8	...	...	5.3	...
Arbitration conducted by:						
Single arbitrator	5	3.9	6.7	9.5	10.5	...
Arbitration review panel	2	1.6	6.7	...	...	1.4
State agency	1	0.8	...	...	...	1.4
Arbitration expenses shared	6	4.7	6.7	9.5	10.5	1.4
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

a/ One grievance procedure stated that final and binding arbitration was to be negotiated.

TABLE 15.--TIME LIMITS FROM INITIATION THROUGH FINAL DECISION

Provision	Total reporting systems with enrollments of 12,000 or more		Strata, by enrollment			
	Number	Percent	1--100,000 or more	2--50,000-99,999	3--25,000-49,999	4--12,000-24,999
1	2	3	4	5	6	7
Grievance procedure had at least one time limit provided between the steps of authority in processing a grievance	55	42.6%	53.3%	19.0%	36.8%	48.6%
Various types of time limits which appeared during the processing of a grievance:						
Initiation	14	10.9	20.0	9.5	5.3	10.8
Hearing	26	20.2	20.0	9.5	5.3	27.0
Decision	52	40.3	46.7	19.0	36.8	45.9
Appeal	35	27.1	33.3	14.3	26.3	29.7
Time limits for decision and appeal provided starting with the first step through the final decision	11	8.5	6.7	...	10.5	10.8
Maximum number of days allowed for processing a grievance when time limits were provided from the first step through the final decision:						
30 days through 59 days	3	2.3	...	...	...	4.1
60 days through 89 days	4	3.1	...	...	10.5	2.7
90 days through 119 days	3	2.3	6.7	...	...	2.7
120 days or more	1	0.8	...	...	...	1.4
Time limits may be extended by consent of both parties	22	17.1	26.7	19.0	21.1	13.5
Number of school systems with a formal grievance procedure	129	...	15	21	19	74

by prior agreement of the parties.[5] Approximately 95.0 percent of collective bargaining agreements in private employment make provision for grievance arbitration.[6]

Table 14 summarizes those provisions stipulated in the written grievance policies with regard to final appeal outside the local school system. The methods by which nine school systems (7.0 percent) had final appeal outside the local school system were advisory arbitration in 3.9 percent of the total systems, and binding arbitration in 3.1 percent. Note that the grievance procedure in one school system stated that final and binding arbitration was to be negotiated.

In 6.2 percent of the total systems with a formal grievance procedure, the written policy stipulated the parties which may initiate the final appeal outside the local school system. The grievant or the grievant's organization may initiate the final appeal in 5.4 percent of the total systems, and in 0.8 percent initiation occurred upon mutual agreement of the involved parties.

The method of selecting the abritrator was stipulated by 6.2 percent of the systems with a formal grievance procedure. The selection methods were as follows: joint selection by involved parties (3.1 percent), selection by

5/ Braden, J. N. "Voluntary Labor Arbitration." Management Record 4: 305-308; October 1942.

Shister, Joseph. Economics of the Labor Market. Second edition. New York: J. B. Lippincott Co., 1956. p. 189-90.

6/ School Management. "Collective Bargaining Versus Professional Negotiations." School Management 9: 69; November 1965.

an arbitration agency outside the school system (1.6 percent), and selection by a state agency (0.8 percent). It may happen that impasse could occur in the joint selection of an arbitrator. One school system (0.8 percent) made provision for selection of the arbitrator in the event of joint selection impasse.

Arbitration was conducted by a single arbitrator in 3.9 percent of the total systems with a formal grievance procedure. Two school systems (1.6 percent) had a written statement stipulating an arbitration review panel, and one system's (0.8 percent) policy stipulated that arbitration was to be conducted by a state agency.

The cost of arbitration as the final appeal could be a prohibitive factor to the parties involved in the disposition of a grievance. Table 14 shows that 4.7 percent of the total systems with a formal grievance procedure had a provision for the sharing of arbitration expenses by the school system and the grievant or his organization.

Time Limits

Experience has shown that time limits applied during the phases of formal grievance adjustment contribute to the efficient and equitable operation of formal grievance machinery. Pertinent data or examples of time limits actually used by the school systems have been presented as they applied to each of the three phases of formal grievance settlement. Summary data on time limits from initiation through final appeal are shown in Table 15.

In 42.6 percent of the total systems with a formal grievance procedure, at least one time limit was provided at some point in the grievance processing. A frequency distribution of the various types of time limits that appeared in the written procedures are shown in Table 15. Time limits for initiation were found in 10.9 percent of the total systems. Slightly more than one-fifth, 20.2 percent, of the total systems had time provisions applying to the hearing of a grievance at one or more steps or levels. In 40.3 percent of the total systems, the decision made with regard to a grievance must be rendered within a specified time period. A provision setting time limits within which an appeal must be made to higher steps or levels was found in 27.1 percent of the total systems with a formal grievance procedure.

Table 15 shows that 8.5 percent of the total systems had time limits from the first step in formal grievance processing through the final decision. The maximum number of days allowed for processing a grievance when time limits were provided from the first step through the final decision varied. The intervals of days were as follows: 30 days through 59 days in 2.3 percent of the total systems with a formal grievance procedure; 60 days through 89 days in 3.1 percent; 90 days through 119 days in 2.3 percent; and 120 days or more in 0.8 percent of the the total systems.

Time limits may be extended at any one phase of formal grievance adjustment by mutual consent of both parties in 17.1 percent of the total systems.

IV. EXCERPTS FROM FORMAL GRIEVANCE PROCEDURES

This section presents excerpts from the written grievance procedures to illustrate the various elements or provisions of formal grievance processing. These excerpts have been selected and organized to correspond with the phases of grievance adjustment from initiation through final appeal, as discussed in Section III.

Inspection of the various headings will reveal that this section contains an example of nearly every type of provision or element found in the grievance procedures returned by the school systems. By selecting and combining salient provisions and elements, a workable grievance procedure could result. Thus, this section may also be viewed as a tool to construct or revise a formal grievance procedure.

Initiation

Definition of a grievance

The procedure is intended to cover grievances, complaints, or misunderstandings that are personal to an employee or a group of employees. (Hawaii)

A "grievance" is a claim based upon an event or condition which affects the welfare or working conditions of a teacher or group of teachers and/or the interpretation or meaning of any of the provisions of this Agreement or any subsequent agreement entered into pursuant to this Agreement. (Newark, N. J.)

Section 602. Definitions. As used herein, the following terms shall have the following meanings:

4. "Grievance" shall mean any claimed violation, misinterpretation or inequitable application of the existing laws, rules, procedures, regulations, administrative orders or work rules of a government or a department or agency thereof, which relate to or involve employee health or safety, physical facilities, materials or equipment furnished to employees or supervision of employees; provided, however, that such term shall not include any matter involving an employee's rate of compensation, retirement benefits, disciplinary proceeding or any matter which is otherwise reviewable pursuant to law or any rule or regulation having the force and effect of law. (New York General Municipal Law--Grievance Procedure for Municipal Employees)

A grievance shall be a complaint on the part of a certificated employee that there has been a misinterpretation or misapplication of existing laws, rules, resolutions, or decisions of the Board of Education or school administration governing or affecting certificated employees of the District. (Syracuse, N. Y.)

Excluded from grievance process shall be matters for which law mandates another method of review. (Kenmore, N. Y.)

A grievance is a disagreement involving a work situation in which a member or members of the staff believe an injustice exists. A complaint is a minor disagreement which may become a grievance if left unresolved. (Warren, Ohio)

For the purposes of this procedure, a grievance shall be defined as an issue of difference or dissatisfaction arising out of the employment relationship between the San Diego Unified School District and an employee thereof. In all grievance matters, the remedy sought by resorting to this procedure shall be confined to those areas in which the Superintendent, or his designated representative, has clear authority (by law or Board policy) to act or negotiate. Nonnegotiable areas, in relation to which no grievances can be accepted, shall include, but not be limited to, the following:

a. The purpose and mission of the school district or one of its subunits.
b. The administrative organization of the district.
c. The technology of performing its work.
d. Selection, promotion, transfer, and assignment of personnel, unless such action is alleged to be discriminatory, or to involve misuse of delegated authority.
e. Release or dismissal of specific individuals, since appeal from such action is provided by law and regulations of the Board of Education.
f. Budgetary responsibilities specifically charged to administrators of the district. (San Diego, Calif.)

Nondiscrimination

Initiation of a grievance by an employee shall in no way reflect on his professional standing or loyalty to the department or to the school or other organizations to which he is responsible. Neither shall it be considered a reflection on his supervisor or on the general administration of the department. All parties to a grievance must be assured of freedom from restraint, coercion, discrimination, or reprisal. Discriminatory or retaliatory action on the part of the supervisor resulting from a grievance shall be a disciplinary offense. (Hawaii)

There shall be no reprisals of any kind by supervisory or administrative personnel taken against any party in interest or his School Representative, any member of the Professional Status Committee or of the Ad Hoc Committees, or any other participant in the procedure set forth herein by reason of such participation. (Rochester, N. Y.)

Every employee shall have the right to present any grievance as herein provided, free from coercion, interference, restraint, discrimination or reprisal and at all stages, shall have the right to be represented by an attorney or by other persons of his own choosing. (Binghamton)

Group of employees or employees' organization presents a grievance

If two or more teachers have the same grievance, a joint grievance may be presented and processed as a single grievance at this and succeeding steps. (Chicago, Ill.)

Group Complaints--The Association may process a complaint involving a group of teachers through the complaint procedure, commencing at the third step thereof. (Milwaukee, Wis.)

Teacher shall mean any employee whose position requires certification by the State Education Department, or any group of such employees, who does not fall under the definition of administrator above. (Farmingdale, N. Y.)

Every employee or group of employees of the Board of Education shall have the right to present grievances in accordance with these procedures. (Levittown, N. Y.)

Employee may first take his grievance to his organization

Whenever an employee has a problem pertaining to his employment and/or those supervising him for reasons arising out of his employment, he and/or his appointed representative shall have the right to have such problems heard, as set forth in this policy. (Saginaw, Mich.)

An aggrieved person is encouraged to utilize the normal channels of supervision and administration. He may contact a faculty representative, the Association staff or officers for advice and assistance. However, should the aggrieved person wish to submit the problem to another channel, he may contact the Chairman of the Professional Rights and Responsibilities Committee of the Teachers' Association and request a confidential hearing. (Prince George's County, Upper Marlboro, Md.)

A teacher with a grievance shall first discuss it with his immediate supervisor or principal, either directly or through his School Representative, with the objective of resolving the matter informally. (Newark, N. J.)

How the employee organization supports the employee

This local committee, selected by whatever means approved by the local association, shall investigate, study, and decide as to whether the problem and/or recommendation has sufficient justification as to merit its being submitted to the Superintendent or some member of his staff designated by him. (El Paso, Texas)

A person who is eligible for membership in the Teachers' Association who has a problem may, at any time, contact a faculty representative, the Association staff or officers, for advice, and assistance. (Prince George's County, Upper Marlboro, Md.)

When use of the adjustment procedure is required, recognized employee organizations may be requested to select panels of seven members from which representatives shall be chosen to serve on Boards of Review. (Los Angeles, Calif.)

An employee who feels he has a grievance may, at any time, contact other employees of the school system for advice and assistance. The aggrieved person may contact an elected delegate of the Education Association. Elected delegates are authorized to serve as building grievance representatives. The Delegate chosen by the aggrieved employee will contact such other individuals as may be necessary to secure additional information or adequate understanding of the problem and will attempt to work out a satisfactory solution. Failing this, the Delegate will contact the chairman of the Ethics Committee, who will make available the list of fifty or more individuals from which the employee may select three persons to hear his grievance and attempt to work out a satisfactory solution. If the employee wishes, he may submit up to three names of employees to the Ethics Committee for approval to serve in this capacity. (Montgomery County, Rockville, Md.)

If the teacher has reason to believe that such appeal (through administrative channels) per se will cause him further trouble, he should present his case in writing to the Professional Rights and Responsibilities Committee of the Teachers' Association, provided that he is a member of the organization. This committee shall consider the grievance and make a complete investigation of the matter by having conferences with those who wish to speak in behalf of the teacher as well as conferences with the staff personnel involved. (Annapolis, Md.)

At the request of the person with a professional problem, the Chairman of the Professional Rights and Responsibilities Committee shall select a panel of three persons from the Professional Problems Hearing Group to hear the problem. This hearing will be informal and confidential with nothing in written form.

The three-member Professional Problems Hearing Panel shall determine whether the problem is one of ethics or grievance.

If the Professional Problems Hearing Panel judges the problem to be a question of grievance, it may informally acquire facts concerning the case to determine whether or not the problem is justified.

If in the judgment of the Professional Problems Hearing Panel the grievance does not seem justified, it shall so inform the person.

If in its judgment a case is justified, it will try to resolve the problem informally. If the Panel cannot resolve the problem, it shall assist the person in writing up a formal presentation to the Professional Rights and Responsibilities Committee.

The Professional Rights and Responsibilities Committee shall receive the written report of the unresolved problem from the Professional Problems Hearing Panel. If in the judgment of the Committee, after hearing the persons involved, it feels there is a justifiable grievance, it will take steps to resolve the grievance.

If the grievance is not resolved, the Professional Rights and Responsibilities Committee shall review the case with the Superintendent.

If the grievance is not resolved, the Professional Rights and Responsibilities Committee will refer it to the Executive Committee of the Association for appeal to the Board of Education. A copy of the formal records of proceedings, appeals, and decisions shall be submitted to the Executive Committee. (Springfield, Mo.)

If the grievance is not settled after reaching the Superintendent or his designated representative, the matter may be referred by the employee to the Professional Relations Committee of the Teachers' Association. After hearing the employee, the Committee shall inform him of its determination in writing within five (5) calendar days. (Calendar days are exclusive of days on which school in the district is closed.) If the Professional Relations Committee determines that the grievance is without merit, it will so advise the employee and a copy of its findings shall be sent to the Superintendent. If the Professional Relations Committee determines that the grievance has merit, it shall request a review of the matter by the Superintendent. If the matter requires further action, the Committee shall request the Superintendent to present the grievance to the Board of Education. The Board of Education shall hear the grievance in executive session and make a determination within fourteen (14) calendar days from date of its receipt. (Clifton, N. J.)

Representation and counsel

Employees are free without prejudice to obtain advice and counsel from: 1) other employees, 2) appropriate employee organizations, 3) the Department of Education Personnel Office, 4) any other representative of his choosing. (Hawaii)

An employee shall have the right to select a representative of his choice to accompany and assist him in the presentation of his cause of dissatisfaction. (San Diego, Calif.)

Any employee involved in either step 2, 3, or 4, above shall have the privilege of being accompanied, represented, and advised by an attorney, or by an official of an appropriate employee organization of his own choosing. (Youngstown, Ohio)

Number of days allowed for the initial presentation

If at the end of the ten (10) school days next following the occurrence of any grievance, or the date of first knowledge of its occurrence by any employee affected by it, the grievance shall not have been presented at Level Two of the procedure set forth in Section 5 above, the grievance shall be deemed to have been waived. (Quincy, Mass.)

Any employee may present a grievance, provided that such action is initiated within thirty (30) days of the act or omission giving rise to the grievance. (San Diego, Calif.)

The filing of the proper grievance form, in its initial stage, must be done within thirty (30) calendar days, following the alleged incident or incidents which lead to the grievance. (Levittown, N. Y.)

The complaint shall be submitted in writing within five (5) days to his immediate superior. If not presented within this period of time, the case shall not be presented at any future date unless mutually agreed to in writing by the employee and his immediate superior or Superintendent. (Beaumont, Texas)

Any employee within the bargaining unit may, either orally or in writing, present a grievance to the head of the school within a reasonable time following the act or condition which is the basis of his complaint. (New York, N. Y.)

Intermediate Procedural Steps

List of steps and time limits

A. First Level

In the first instance an employee's grievance shall be submitted to the immediate superior. There shall be a conference within 5 days and a decision by the immediate superior, in writing, within 5 days.

B. Second Level

If the grievance is not settled at the first level, it may be appealed within 5 days to the next designated superior in administrative responsibility. A conference shall be held within 10 days and a decision, in writing, shall be made within 5 days.

C. Third Level

If the grievance is not settled at the first and second levels, employee may appeal within 5 days, in writing, that the complaint be heard by his Department Head. (Superintendent of Schools, Business Manager, or Board Secretary). The department head shall hold a conference within 20 days. A written decision shall be rendered within 5 days.

D. Fourth Level

If the employee is dissatisfied with the action taken at the first, second, and third levels, he may appeal within 5 days to the Board of Education, in writing, with the full knowledge of his Department Head.

Upon proper notification and application to the Board of Education, the employee shall be granted appeal within 45 days.

The employee shall have the right to present his own appeal or to designate a representative of his own choosing to appear with him.

The Board of Education shall then render its final decision within 30 days on the grievance and communicate it through the Department Head. (Camden, N. J.)

List of steps, administrative channel, time limits, and grievance committee

STEP I

The first step shall consist of the certificated employee's persentation of his grievance to his building principal (or vice principal, if so designated). This step shall be:

A. Written

B. Concluded within ten (10) school days or thirty (30) calendar days, whichever is less

If such problem is not satisfactorily resolved at this level, the staff member may proceed to Step II.

STEP II

Step II shall be initiatied within five (5) school days after the conclusion of Step I. The second step shall consist of a request by the aggrieved certificated employee for a review and determination of his grievance by the chief executive officer or a person designated by him. In such cases, the aggrieved certificated employee and his immediate administrative officer as specified in Step I shall each submit to the chief executive officer, or a person designated by him, a written statement setting forth the specific nature of his grievance and the facts related thereto.

By request of the aggrieved, a hearing may be conducted before a committee of three certificated persons, one of whom is designated by the aggrieved, one by the superintendent of schools, and the third to be chosen by the first two members. The third, or neutral, member shall act as chairman.

The three-member committee shall act in an advisory capacity only and must submit its findings to the superintendent of schools within five (5) school days after the hearing has been completed. The superintendent of schools shall consider these findings in rendering a decision.

This second step shall be:

A. Written

B. Concluded within ten (10) school days or thirty (30) calendar days, whichever is less. If a hearing is conducted before a committee, the time may be extended to fifteen (15) school days or forty-five (45) calendar days, whichever is less.

If such problem is not satisfactorily resolved at this level, the staff member may proceed to Step III.

STEP III

Step III shall be initiated within five (5) school days after the conclusion of Step II. This shall consist of a hearing before a committee of at least three members of the Board of Education who shall refer its findings to the full Board of Education for final decision.

The Board of Education must then render a decision that is:

A. Written

B. Concluded within thirty (30) school days or forty-five (45) calendar days, whichever is less. (Syracuse, N. Y.)

List of steps and administrative channels

3. Steps of Complaint Procedure

Complaints will be processed as follows:

First Step. A teacher should promptly submit his complaint directly to his principal orally, but he may request his principal to send for (a) a representative of the Association or (b) a fellow teacher of his own choosing who is not an officer, agent, or other representative of another teacher organization, for the purpose of joint oral presentation and discussion of the complaint at a mutually convenient time.

The principal shall advise the Superintendent in writing of his disposition of any complaint presented without the presence of an Association representative, with copies for the Assistant Superintendent and the Association.

Second Step. If the complaint is not adjusted in a manner satisfactory to the teacher or the Association within two working days after the presentation and discussion, then the complaint may be set forth in writing by a representative of the Association on a form provided by the Superintendent. The complainant shall sign the complaint. Thereafter, the Association representative shall transmit the written complaint to the Assistant Superintendent. The Assistant Superintendent shall, at the Association's request, set a mutually convenient time for discussion of the complaint. The Assistant Superintendent shall advise the Superintendent in writing of his disposition of the complaint, with a copy for the Association.

Third Step. If the written complaint is not adjusted in a manner satisfactory to the teacher of the Association within three working days after the discussion with the Assistant Superintendent, it may be presented by the Association to the Superintendent (or his designate) for discussion. Such discussion shall be held within five working days at a mutually convenient time fixed by the Superintendent or his designate.

Fourth Step. If the complaint is not satisfactorily adjusted within five days after discussion with the Superintendent or his designate, it may be presented by the Association to the Rules and Complaints Committee for prompt hearing. The committee shall forward its recommendation in writing, for action by the Board.

Fifth Step. As soon as mutually convenient, the Board shall pass upon the complaint. Such action is subject to review, as provided by law. (Milwaukee, Wis.)

List of steps and time limits

(1) The complaint shall be submitted in writing within five (5) days to his immediate superior. If not presented within this period of time, the case shall not be presented at any future date unless mutually agreed to in writing by the employee and his immediate superior or Superintendent. The complaining party, if it is desired, may discuss the matter with his immediate superior. The immediate superior shall render a written decision within five (5) days after receipt of the complaint.

(2) The decision of the immediate superior shall finally determine the matter unless the complaining party appeals in writing within five (5) days to the Superintendent. The matter may be discussed, if it is desired, by the complaining party and the Superintendent, who shall render a written decision within ten (10) days of receipt of complaint.

(3) The decision of the Superintendent shall finally determine the matter unless the complaining party appeals in writing to the Board of Education within ten (10) days. The Board of Education shall render a written decision within thirty (30) days of receipt of complaint. A hearing shall be granted upon receipt of a written request signed by the complaining party stating he desires a hearing on the matter, and in such cases the Board of Education will notify the complaining party as to the time and place of the hearing. (Beaumont, Texas)

List of steps and alternate channels

When a member of the professional staff feels he has a grievance, he may approach any member of the Advisory Personnel Panel or the Professional Rights and Responsibilities Committee. (During September an Advisory Personnel Panel

will be selected. The membership will consist of twenty-two classroom teachers, five elementary principals, and three secondary principals. Appointments to this panel will be for three years duration. From this group, a committee of three will be selected to work with professional employees who wish to discuss a problem.) In case a member other than the chairman of PR&R is approached, the member will inform the chairman who will in turn contact the person who is seeking aid or counsel. These two will then select from the Advisory Personnel Panel and Advisory Personnel Committee, composed of three people, to meet with the aggrieved.

1. The Advisory Personnel Committee will determine whether or not the problem is one for concern of the PR&R.

2. Where the Advisory Personnel Committee decides that there is a legitimate grievance or ethics case, the members of APC will outline the procedure for obtaining an equitable solution, and advise the person concerned whether the case is to be treated as a grievance or ethics problem.

3. If the problem is deemed to be of a grievance nature, the APC must point out the use of administrative channels as a means of solution. The aggrieved may then abandon the association channel and proceed through the administrative channel on his own. Should the aggrieved decide to proceed through the association channel, the APC will approach the other person to get his side of the story. Should the problem not be resolved at this point, the APC will help the individual write his problem to show how the problem is related to the existing policies of the County Board of Education. The statement is now given to the PR&R. At any time up to this point, the case may be dropped by the educator with the assurance that all previous action will remain confidential and unrecorded.

4. In the event the aggrieved decides to continue pursuit of his case through the PR&R, and provided that the PR&R agrees that there is an unresolved grievance, the PR&R will go directly to the Superintendent of Schools.

5. In the event that agreement is not reached with the Superintendent of Schools, the PR&R will advise the Superintendent that the case will be presented to the Board of Education. (Kanawha County, Charleston, W. Va.)

List of steps, administrative channels, and association participation

Level One: The aggrieved employee shall discuss the grievance with a member of the Professional Rights and Responsibilities Committee of the Association.

Level Two: If not disposed of to the employee's satisfaction by such discussion the grievance shall be presented orally by the employee and a member of the Professional Rights and Responsibilities Committee to the appropriate intermediate supervisor of the employee.

Level Three: If at the end of the ten (10) school days next following such presentation the grievance shall not have been disposed of to the employee's satisfaction, the employee may, within five (5) school days thereafter, file with the President of the Association and the Chairman of its Professional Rights and Responsibilities Committee a written statement of the grievance. Within five (5) school days thereafter, such statement shall be reviewed with the employee by the said President or Chairman, and if after such review the employee shall so desire, the grievance shall forthwith be presented in writing by the employee and the said President or Chairman to the Superintendent who shall, within ten (10) school days thereafter, meet with the employee and the said President or Chairman in an effort to settle the grievance.

Level Four: If at the end of the twenty (20) school days next following such presentation to the Superintendent the grievance shall not have been disposed of to the employee's satisfaction, the employee may, within five (5) school days thereafter, notify the said President and Chairman in writing of the employee's desire to have the grievance presented to the School Committee; and, within five (5) school days following receipt of any such notice, the Professional Rights and Responsibilities Committee of the Association shall meet with the said President and the employee to decide whether or not the Association shall present the grievance to the School Committee. If the Professional Rights and Responsibilities Committee shall so vote, the grievance shall forthwith be presented in writing by the Association to the School Committee; and within ten (10) school days thereafter the School Committee shall meet with the Professional Rights and Responsibilities Committee, the said President, and the employee in an effort to settle the grievance.

Level Five: If at the end of the Twenty-five (25) school days next following presentation of the grievance in writing to the School Committee the grievance shall not have been disposed of to the satisfaction of the Professional Rights and Responsibilities Committee of the Association, and if the grievance shall involve the interpretation or application of any provision of this Contract, the Association may, by giving written notice to the School Committee within the ten (10) school days next following conclusion of such period of twenty-five (25) school days, present the grievance for arbitration; in which event the School Committee and

the Association shall forthwith submit the grievance to the State Board of Conciliation and Arbitration for disposition in accordance with the applicable rules of the said State Board of Conciliation and Arbitration. (Quincy, Mass.)

Skip a step in procedure

Any grievance based upon an event or a condition which is not under the jurisdiction of a principal shall be presented to the appropriate administrator. (Chicago, Ill.)

It is also recognized that some problems can arise wherein a teacher may be reluctant to discuss the matter with his Principal or Assistant Superintendent, or his Department Head or Division Head. In such cases he may consult directly with the Director of Personnel, and may, at the time, present his grievance in person or with representatives of any employee organization or other interested parties. (New Orleans, La.)

It is also recognized that some problems can arise wherein a teacher may be reluctant to discuss the matter with his principal or assistant superintendent, or his department head or division head. In such cases, he may consult directly with the Assistant Superintendent in charge of Personnel. (Houston, Texas)

The member of the staff should discuss the grievance or complaint with his principal. However, if the member of the staff is reluctant to discuss such matter with his principal, he may omit this step and proceed to the next step. If a member of the staff decides to omit this step and proceed to the next step, he should so notify the principal. (Warren, Ohio)

Grievance committee--association channels

3. The person who is eligible for membership in the Association may call upon the chairman of the Professional Rights and Responsibilities Committee for assistance. The chairman will present to the member a personnel advisory panel list. This panel shall consist of thirty (30) teachers who are broadly representative of the profession and who represent all parts of the county. These persons shall be nominated by the general membership of the Association. They must have been a member of the Association for five (5) years previous to being nominated. The Professional Rights and Responsibilities Committee will select from this list of nominees, thirty (30) persons who are broadly representative of the profession and who represent all partsof the county. No more than one (1) person shall be selected from any one school. The final slate section by the Committee must be approved by the Representative Council.

a. The thirty (30) members shall serve for three (3) years; except that the first panel shall be divided into thirds, each third serving three (3), two (2), and one (1) years respectively, effective 1966. Annually beginning in 1967, ten new members shall be added to the panel.

b. From this advisory personnel panel the members shall select three (3) individuals to serve as an advisory committee to meet with the member in confidential and informal circumstances. If the member so requests, within ten (10) school days the advisory committee shall meet informally and confidentially with the other party to the problem. Every effort should be exerted to resolve the problem. It being understood, however, that there shall be no obligatory duty on the part of the other party to meet with the advisory committee and refusal by such person to meet with the advisory committee, as aforesaid shall not constitute a breach of the Prince George's County Teachers' Association Code of Ethics if the person so refusing to meet with the advisory committee is a member of the Association.

c. If agreement is not reached the member shall file within ten (10) school days his professional problem in writing to the Professional Rights and Responsibilities Committee.

d. The Professional Rights and Responsibilities Committee shall meet within ten (10) school days after receipt of the problem and determine its validity. If the Committee determines that the case does not merit professional association action, the committee shall notify such person who shall always have recourse to the administrative channels.

e. If the Professional Rights and Responsibilities Committee determines that the case represents a grievance deserving further consideration, it shall submit the case in writing to the respective assistant superintendent. If the matter is not resolved by conference with the assistant superintendent, the case is taken by the Professional Rights and Responsibilities Committee to the Superintendent. (Prince George's County, Upper Marlboro, Md.)

Grievance committee--board of education appointed

Fourth Stage. Upon receipt of the case records from the Deputy Superintendent, approved and transmitted by the Superintendent, the Chairman of the Board of Education shall appoint a Grievance Advisory Committee. This committee shall review and investigate the grievance sent up from the third stage and shall make a

recommendation to the Chairman and Board of Education. The Grievance Committee shall consist of three members:

1) a practicing classroom teacher
2) a department representative from administration or supervision
3) a person not paid from department funds

The Grievance Advisory Committee shall review all records of previous stages and conduct a hearing under the same rules of procedure that obtain for earlier stages.

If the employee desires to introduce new evidence, he may be permitted to do so only after he has established the fact that he was unable to submit it at an earlier hearing. The committee shall be free to call upon any person to render assistance, present evidence, or furnish pertinent records or data. The Assistant Superintendent for Personnel or his representative, and the appropriate District Superintendent or his representative, may be present at the hearing. The grievant shall be entitled to have with him not more than two advisors throughout the hearing. The committee shall submit to the Chairman of the Board of Education, a written report which shall include findings of fact and a recommendation for disposition of the case. The report shall be signed by all members who concur. If a member of the committee does not concur with the majority report, he shall prepare a minority report to be forwarded to the Chairman with the majority report. Filing of its report with the Chairman of the Board terminates the responsibility of the Advisory Committee in the case. (Hawaii)

Grievance committee--staff channels

Board of Review

A Board of Review has been established to hear appeals from employees who have grievances that cannot be resolved through the prior channels. The organization of the Board of Review, its functions and the procedures required are outlined below:

a. Composition

Membership of the Board of Review shall be as follows:

(1) One Counselor (elected by all the counselors of the District).

(2) Three Administrators. Two administrators shall be elected by the Houston Association of School Administrators and one elected by the Head Teachers and Principals Association.

(3) Classroom Teachers. The Houston Teachers Association, the Congress of Houston Teachers, and the Houston Classroom Teachers Association shall elect one representative per 1,000 members or fraction over 600 members.

(4) The Assistant Superintendent in charge of Personnel shall be an ex-officio member of the Board of Review but shall not vote.

b. Alternates

(1) An alternate for each member shall be elected by the organization represented.

(2) In the absence of the regular member, the alternate will be notified to attend the meeting and to act in his place, including exercising his voting privilege.

c. Terms of Office of Membership

(1) Terms of office of members of the Board of Review shall be on a rotating basis for three-year terms.

(2) In the event of a change in the professional status of any member of the Board of Review, that member shall serve until the professional group he represents elects another representative.

d. Meetings

(1) The Board of Review shall hold regular meetings on the last Friday in October, January, and April.

(2) Special meetings may be called for the study of special problems or cases.

(3) Called meetings may be held at the discretion of the Chairman with the consent of at least three other members or upon request of the Board of Education, Superintendent, or Assistant Superintendent in charge of Personnel.

(4) All business of the Board of Review shall be held in strict confidence. Violation of this policy shall be cause for dismissal from the Board of Review upon a majority vote of the members of the Board of Review.

e. Organization of the Board of Review

At the first meeting of the school year, the Board of Review shall elect a chairman

man and a secretary. The Chairman shall preside at all meetings and within thirty days after his election appoint three subcommittees and their chairmen in order to expedite the proceeding of grievance. Subcommittees shall be composed of at least three members, including the subcommittee chairman. (Houston, Texas)

Grievance committee--joint committee

Committee meubers will be selected as follows:

a. The president of the Association will submit the names of six persons to the teacher presenting the grievance. The teacher may eliminate one of the names from the list. The president of the Association will select a chairman and two members from the remaining names.

b. The Superintendent of Schools will submit the names of four persons to the teacher presenting the grievance. The teacher may eliminate one name from the list. The Superintendent will choose two members from the remaining names.

c. The Committee will review the grievance and the decision of the Director of Personnel. A hearing may be conducted for the purpose of clarifying the facts. No later than two weeks after the appointment of the chairman, the Appeals Committee will submit its opinions and recommendations in writing to the Superintendent of Schools and to the teacher. (Ann Arbor, Mich.)

Grievance committee--elected committee for building and district

ORGANIZATION

A. Purpose of Grievance Committee

Every public employee shall have the right to present his grievances to his employer in accordance with the provisions of this article, free from interference, coercion, restraint, discrimination or reprisal, and the grievance procedure established under this structure shall provide the right to be represented at all stages thereof.

B. Building Staff Relations Committee

1) Membership

(a) Composed of no less than 3 nor more than 7 members.

(b) Composed of the professional staff of local unit.

(c) Members of this committee to be elected by the professional staff of the local unit.

2) Elections

(a) To take place during first week of November annually.

(b) Chairman of Building Staff Relations Committee to be elected by members of this committee, annually.

(c) Replacements to this Committee and District Staff Relations Committee representatives are to be elected to fill unexpired term as need arises.

(d) One representative to District Staff Relations Committee to be elected by local Building Staff Relations Committee no later than second week in November, annually.

3) Administrators are to be excluded from membership

C. District Staff Relations Committee

1) Membership

(a) Composed of one representative of each Building Staff Relations Committee and an appointee of the Brentwood Teachers Association.

(b) Each representative to be elected to District Staff Relations Committee by local Building Staff Relations Committee. This election to take place no later than the second week in November, annually.

(c) Officers shall consist of chairman and vice-chairman elected by District Staff Relations Committee annually.

(d) Election of Chairman and vice-chairman to take place at first meeting of District Staff Relations Committee.

(e) In the event the chairman of the District Relations Committee resigns for any reason, the vice-chairman shall succeed him as chairman and call for an immediate election to fill the vice-chairman's post.

2) The first District Staff Relations Committee meeting will take place in the auditorium of the North Junior High School. (Brentwood, N. Y.)

Grievance committee--joint committee

If the complainant or respondent believes the decision at Step Two is not satisfactory, he may appeal the decision to an Appeal Board. An appeal must be processed within five days of receipt of Superintendent's findings.

The complainant or respondent shall notify the Superintendent of his wish. The Superintendent shall arrange for the calling of an Appeal Board.

The Appeal Board shall consist of three members. One member is to be chosen by the complainant and one by the respondent from a general panel. The choice must be within two days of notice of intent to appeal. The general members of this panel - 6 of which are of the staff (3 from Elementary staff and 3 from Secondary) and 5 members not employed by the School District. These 5 members shall be appointed by the Board of Directors of the Teachers' Association. The administrators' Association shall select 10 members of this panel - five from the staff and 5 not in the employ of the school district.

The third member of the Appeal Board shall be mutually chosen by the first and second selected panel members. If a third member cannot be agreed upon within five days, the Associate Commissioner for Elementary, Secondary and Adult Education shall appoint the third member. The Appeal Board will choose its own chairman.

The hearings shall be closed and held only in the evening commencing no earlier than 7:00 P.M. and terminate no later than 11:00 P.M. on any one evening. Hearings shall be held only Mondays through Thursdays. Each member of the Appeal Board shall receive a stipend of $6.00 per hour, be entitled to mileage at 10¢ per mile, and a good allowance of $8.00 per day, and his hotel or motel charge. These monies shall be paid by the School Board.

Any written record available to an Appeal Board shall have been previously a part of the prior steps of said grievance before the Appeal Board. These records shall be presented to the Appeal Board by the Superintendent. Only the written records earned by an educator while employed in the School District and endorsed by a staff member may be made available for review. The latter does not include recommendations from this school district to other school districts. (Hicksville, N. Y.)

Grievances reduced to writing

In the event a grievance cannot be settled between an employee and his principal or supervisor, either party may present the grievance in writing to the Superintendent. (Cupertino, Calif.)

If the complaint is not reconciled after the first step, all succeeding appeals shall be honored with a hearing which shall be preceded by the receipt of a written request from the aggrieved employee. (Downey, Calif.)

If the grievance is not adjusted by the Assistant Superintendent in a manner satisfactory to the employee, the employee may present a written complaint to the Superintendent. (Modesto, Calif.)

When a grievance cannot be solved at the school level, it may be carried to the superintendent by writing a letter in triplicate describing the grievance; one copy should be given to the principal, one copy sent to the superintendent, and one copy retained by the teacher. (Pittsfield, Mass.)

If, as a result of the discussion, the matter is not resolved to the satisfaction of the employee, the employee shall set forth his grievance in writing with supporting reasons to the principal. (Clifton, N. J.)

Witnesses and/or evidence

Employee Rights

An employee involved in either a complaint or grievance has a right:

A. To be present at the hearing
B. To hear testimony given
C. To give testimony in his own behalf
D. To have others called to give testimony in his behalf
E. To question, either personally or through counsel, any person giving testimony
F. To request a closed hearing

(East Detroit, Mich.)

New evidence, testimony or argument, as well as any documents, exhibits or other information submitted to previous revieving authorities may be introduced at the hearing by the complainant or upon request of a member of the Advisory Grievance Board. (New Rochelle, N. Y.)

All interested parties shall have the right to be represented by counsel of their own choosing, to present such witnesses and documentary evidance as may be pertinent, and to cross-examine witnesses offered by other parties. (Edgewood, Texas)

The parties may, at their option, make a preliminary statement to the Board of Review setting forth the character and background of the grievance describing the nature and purposes of the testimony or evidence, which will be offered. (Los Angeles, Calif.)

Special times set aside for the hearing of grievances

The Board of Review shall hold regular meetings on the last Friday in October, January, and April.

Special meeting may be called for the study of special problems or cases. (Houston, Texas)

The Committee should meet at least once each month throughout the school year, at a time and place to be determined at the first meeting of the Committee, and may call additional meetings throughout the school year if four members believe such additional meetings to be necessary because of the amount of the Committee's work. (Richmond, Calif.)

Time off with pay

Hearings held under this procedure shall be conducted at a time and place which will afford a fair and reasonable opportunity for all persons, including witnesses, entitled to be present to attend. When such hearings are during school hours all employees who are present at the hearing shall be excused with pay for the purpose.

Principals shall make arrangements to allow reasonable time without loss of salary for building representatives to investigate grievance. (Philadelphia, Pa.)

The chief executive officer shall arrange for an employee and his representative to be excused from duties without penalty in order to attend meetings, conferences, or hearings held on school time in connection with the girevance procedure. (Syracuse, N. Y.)

Pertinent records made available

Each party to a grievance shall have access to all written statements and records pertaining to such case at the hours during which the City School District offices are open for business. (Syracuse, N. Y.)

Each party to a grievance shall have access at reasonable times to all written statements and records pertaining to such case. (Albany, N. Y.)

Relevant data, records or documents should be made available for review by committee members at the beginning of each subsequent hearing. (Montgomery County, Rockville, Md.)

The Board of Education through the school administration shall at all times provide the Association with available reports, statistics, and information concerning the public shcools that are pertinent to the processing of grievance or to the resolving of professional problems. (Chicago, Ill.)

Recognized employee organization presence at meetings

When a teacher is not represented by the Association, the Association shall have the right to be present and to state its views at all stages of grievance processing, except where the grievance involves only questions of fact peculiar to the individual grievant. (Rochester, N. Y.)

If any employee covered by this Contract shall present any grievance without representation by the Association, the disposition, if any, of the grievance shall be consistent with the provisions of this Contract; and if the Association shall so desire, it shall be permitted to be heard at each level of the procedure under which the grievance shall be considered. (Quincy, Mass.)

Any party in interest may be represented at all stages of this grievance procedure by a person of his own choosing, except that he may not be represented by a representative or by an officer of any teacher organization other than the Association, the Association shall have the right to be present and to state its views at all stages of this grievance procedures. (Newark, N. J.)

Minority group representation

Individual employees and representatives of minority groups shall also have the right to be heard. (Las Vegas, Nev.)

Final Appeal

Final appeal to the board

D. Fourth Level

If the employee is dissatisfied with the action taken at the first, second, and third levels, he may appeal within 5 days to the Board of Education, in writing, with the full knowledge of his Department Head.

Upon proper notification and application to the Board of Education, the employee shall be granted appeal within 45 days.

The employee shall have the right to present his own appeal or to designate a representative of his own choosing to appear with him.

The Board of Education shall then render its final decision within 30 days on the grievance and communicate it through the Department Head. (Camden, N. J.)

Final appeal to state agency

Fifth Stage. If a grievance is not adjusted to the satisfaction of the employee within his

department, the employee may refer his grievance to the Governor of Hawaii. Such referral shall be made in writing and within fifteen working days from the date of the department decision.

The Governor shall designate such person or persons as he deems fit to serve as a grievance review committee. The committee shall review the grievance and submit a report to the Governor, including a recommendation or recommendations for the disposition of the grievance. The Governor's disposition of the grievance shall be final and binding on all persons concerned. (Hawaii)

Advisory arbitration--permanent arbitrators

(a) In the event that the aggrieved person is not satisfied with the disposition of his grievance at Level Three, or in the event no decision has been rendered within ten (10) school days after he has first met with the Board Committee, he may, within five (5) school days after a decision by the Board or fifteen (15) school days after he has first met with the Board Committee, whichever is sooner, request in writing the Chairman of the PSC (Professional Status Committee) to submit his grievance to arbitration. If the PSC determines that the grievance is meritorious and submitting it for arbitration is in the best interest of the Newark School System, it may submit the grievance to advisory arbitration within fifteen (15) school days after receipt of a request by the aggrieved person.

(b) The parties agree to the following list of permanent arbitrators: [5 persons named] provided, however, that each party may strike one person from the list with or without cause at any time. A submission shall be referred to the next arbitrator on the list after the person who arbitrated the last submission and who is available to arbitrate the submission promptly.

(c) The arbitrator so selected shall confer with representatives of the Board and the PSC and hold hearings promptly and shall issue his decision not later than twenty (20) days from the date of the closing of the hearings, or if oral hearings have been waived, then from the date the final statements and proofs are submitted to him. The arbitrator's decision shall be in writing and shall set forth his findings of fact, reasoning and conclusions on the issues submitted. The arbitrator shall be without power or authority to make any decision which requires the commission of an act prohibited by law or which is violative of the terms of this Agreement. The decision of the arbitrator shall be submitted to the Board and to the Association and shall be advisory only and no judgment may be entered thereon.

(d) The costs for the services of the arbitrator including per diem expenses, if any, and actual and necessary travel and subsistence expenses, shall be borne equally by the Board and the Association. (Newark, N. J.)

Advisory arbitration

d. Level Four

(1) If the Board's Review Committee and the Ad Hoc Committee are unable to agree on a disposition of the grievance, either party may submit such matter to advisory arbitration in accordance with the procedure hereinafter set forth. The Arbitration shall be commenced by either party with ten (10) days after such failure to agree, by filing with the other party and with the American Arbitration Association, a notice of intention to submit the grievance to an arbitrator for an advisory decision.

(2) The parties will attempt to select an arbitrator by mutual agreement. If they are unable to agree on an arbitrator within ten (10) days after notice of arbitration has been received, then the arbitrator shall be selected by the American Arbitration Association. The arbitrator shall be an experienced, impartial and disinterested person of recognized competence in the field of education.

(3) The arbitrator shall issue his decision not later than twenty (20) calendar days from the date of the closing of the hearings or, if all hearings have been waived, then from the date of transmitting the final statements and proofs to the arbitrator. The decision shall be in writing and shall set forth the arbitrator's opinion and conclusions on the issues submitted. The parties recognized that the Board is legally charged with the responsibility of operating the school system. The sole power of the arbitrator shall be to determine whether established policy or the terms of this agreement have been misinterpreted or inequitably applied and the arbitrator shall have no power or authority to make any decision which modifies, alters or amends any then-established policy or term of this agreement or which requires the commission of an act probibited by law or which is violative of the terms of the agreement. The arbitrator shall not substitute his judgment for that of the Board where the Board's action is not unreasonable except in the following circumstances: (a) where an issue to

be determined by the arbitrator is an issue of fact; or (b) where the issue before the arbitrator involves the interpretation of the terms of this Agreement. The decision of the arbitrator shall be rendered to the Board and to the Association and shall be advisory only and no judgment may be entered thereon.

(4) The expenses of the arbitration will be borne equally by the Association and the Board.

(5) In the event that, in the judgment of the Professional Status Committee, a grievance affects a group or class of teachers, the Professional Status Committee may submit such grievance in writing to the Superintendent of Schools directly, and such grievance shall be disposed of in accordance with the procedure set forth commencing at Level b(2) above. (Rochester, N. Y.)

Binding arbitration

Level Four. If the decision reached in Level Three is not satisfactory to the Association, the aggrieved party may within fifteen (15) days submit the grievance to arbitration before an impartial arbitrator selected by the American Arbitration Association in accord with its rules which shall likewise govern the arbitration hearing. Neither party shall be permitted to assert in such arbitration proceeding any issues which have not been set forth in the original grievance. The arbitrator shall have no power to alter, add to or subtract from the terms of this Agreement. The arbitrator will be without power or authority to make any decision which requires the commission of any act prohibited by law or which is violative of the terms of this Agreement. An arbitration hearing will be held at which both parties will be privileged to attend. Each party may present the testimony of witnesses and any pertinent written evidence. The cost of the arbitrator shall be borne equally by the School Board and the Association. An individual resorting to arbitration without the Association shall bear one-half the cost thereof.

Arbitration of grievances arising from the language of this Agreement or an alleged breach thereof will be final and binding.

If any teacher for whom a grievance is sustained shall be found to have been unjustly discharged or disciplined, he shall be entitled to full reimbursement of all professional compensation loss. (Bay City, Mich.)

Permanent records of terminated grievance action

All documents, communications and records dealing with the processing of a grievance shall be filed separately from the personnel files of the participants. (Rochester, N. Y.)

The Personnel Division shall be responsible for maintaining a record of the progress and disposition of each formal grievance. (San Diego, Calif.)

The record of the steps taken in the grievance procedure and all communications dealing with an employee grievance shall be placed in a file apart from the employee's personnel file. (Minneapolis, Minn.)

Time Limits

Time limits (See time limits in the examples of the various steps or levels.)

Time Limit for Decision. After the receipt of an appeal, complaint, or grievance from the aggrieved, the administrator concerned must render a decision within seven days, except when his absence prevents such action within that time. In cases of grievance referred to the Board by the Superintendent, not more than seven days shall elapse between the time that the Superintendent meets finally with the aggrieved and/or his authorized representative and the time that the Superintendent refers the grievance to the Board. (Hartford, Conn.)

Failure to comply with time limits

The aggrieved member of the certificated staff shall have the sole responsibility for presentation and continued pursuit of his grievance through the stages provided herein and within the time limits specified in these procedures.

In the event of the failure of an administrator to communicate a decision within the specified time limit, the aggrieved may refer his grievance to the next step of formal procedure. (Syracuse, N. Y.)

Any proceeding from one stage to another must be taken within ten (10) working days of the receipt of the determination of the prior stage.

Failure of any step of this procedure to communicate the decision on a grievance within the specified time limits shall permit the petitioner to proceed to the next step.

Failure at any step of this procedure to appeal a grievance to the next step within the specified time limits shall be deemed to be acceptance of the decision at that step. (Levittown, N. Y.)

Extension of time limits

Since it is important that grievances be processed as rapidly as possible, the number of days indicated at each level should be considered as maximum and every effort should be made to expedite the process. The time limits specified may, however, be extended by mutual agreement.

In the event a grievance is filed on or after June 1 which, if left unresolved until the beginning of the following school year, could result in irreparable harm to a party in interest, the time limits set forth herein shall be reduced so that the grievance procedure may be exhausted prior to the end of the school term or as soon thereafter as is practicable. (Newark, N. J.)

Time limits indicated in this memorandum of understanding are maximums and every effort shall be made to expedite the resolution of grievances. When mutually agreed upon, however, these time limits may be extended. If a decision is not reached and communicated to the parties concerned within the specified time limits, the teacher or his representative may advance the grievance to the next level. (Chicago, Ill.)

Time limits as directed at each stage shall be observed, unless a written request for an extension is made and accepted by mutual agreement. Failure to request review within these time limits at each stage shall automatically conclude a grievance process. (Kenmore, N. Y.)

V. SELECTED REFERENCES

This section cites 101 references pertaining to grievance processing. The books, pamphlets, and periodicals were selected to represent the many aspects of grievance adjustment in both public and private employment. The reference list includes also publications pertaining to morale, efficiency, and communication, as related to grievance settlement.

This selected list of publications will be of interest and assistance to school personnel desiring to establish new grievance procedures or to improve existing procedures.

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APPENDIX

NEA Research Division
December 1965

School system _____

Stratum _____

CHECK LIST FOR FORMAL GRIEVANCE PROCEDURE

1. Are there any restrictions or limitations on the definition of grievance?
   ☐ Yes ☐ No

   If restricted, how?

2. Is there a written statement protecting employees from possible future discrimination or reprisal owing to the processing of grievances? ☐ Yes ☐ No

3. May a group of employees or an employees' organization present a grievance?
   ☐ Yes ☐ No ☐ Not indicated

4. May the employee first take his grievance to his organization?
   ☐ Yes ☐ No ☐ Not indicated

5. How may the employee organization support the employee? (Check all that apply)
   ☐ Not indicated
   ☐ Not applicable
   ☐ Evaluates grievance
   ☐ Gathers evidence
   ☐ Hears witnesses
   ☐ Acts as advisory panel
   ☐ Counsels employee
   ☐ Represents employee
   ☐ Other specify: _____

6. May an employee be represented by another individual or organization in the processing of the grievance? ☐ Yes ☐ No ☐ Not indicated

7. May an employee be accompanied by another individual or an organization representative in the processing of the grievance? ☐ Yes ☐ No ☐ Not indicated

8. Are there provisions for establishing an employee grievance committee at any step in the grievance procedure? ☐ Yes ☐ No ☐ Not indicated

   a. How is the grievance committee selected? ☐ Appointed
   ☐ Elected
   ☐ Some members appointed and some elected
   ☐ Not indicated

   b. What is the duration of the committee? ☐ Standing for _____ years
   ☐ Selected when needed
   ☐ Not indicated

   c. Number of members on the grievance committee?

   Distribution of members on grievance committee

   ☐ Not indicated

   _____ Administrators or supervisors
   _____ Classroom teachers
   _____ Other professional staff
   _____ Nonprofessional employees
   _____ Others:
   _____ _____
   _____ _____

9. Number of working days allowed for the initial presentation after a grievance occurs? _____ days ☐ Not indicated

10. List the steps in the grievance process and, for each step, designate time limits in number of working days, for a decision to be made and for an appeal to be made to the next step.

Administrative Channels

Level	Maximum days for Decision	Maximum days for Appeal
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

Alternate Channels

Level	Maximum days for Decision	Maximum days for Appeal
1. _____	_____	_____
2. _____	_____	_____
3. _____	_____	_____
4. _____	_____	_____
5. _____	_____	_____

11. At what level does the alternate channel dovetail with the administrative channel? _____ number of level ☐ Not indicated

12. May an employee skip any step in the grievance procedure?
☐ Yes ☐ No ☐ Not indicated

13. May time limits be extended by mutual consent? ☐ Yes ☐ No ☐ Not indicated

14. Are grievances reduced to written form at any step in the grievance process?
☐ Yes ☐ No ☐ Not indicated

If Yes, at what step? _____

15. Are printed grievance forms used? ☐ Yes ☐ No

Available? ☐ Yes ☐ No

16. Are witnesses and/or evidence admissible at any step in the procedure?
☐ Yes ☐ No ☐ Not indicated

17. Are special times set aside for the hearing of grievances? ☐ Yes ☐ No ☐ Not indicated

18. Is employee or employee's representative allowed time off with pay to investigate grievances? ☐ Yes ☐ No ☐ Not indicated

19. Are pertinent school records made available to employee or employee's representative during the investigation? ☐ Yes ☐ No ☐ Not indicated

20. What is the termination point of the grievance process?

☐ Superintendent
☐ Local board of education
☐ Administrative Advisory Panel
☐ Advisory arbitration
☐ Binding arbitration
☐ Other. Specify: _____

_____

21. May a representative of the recognized employee organization be present for final disposition of the grievance? ☐ Yes ☐ No ☐ Not indicated

22. Are permanent records kept of terminated grievance actions? ☐ Yes ☐ No ☐ Not indicated

If Yes, where are the records maintained? ☐ Superintendent's office ☐ Personnel department ☐ Grievance committee ☐ Individual personnel files ☐ Other _____

_____

23. What party may request arbitration? ☐ Employee ☐ Employer ☐ Mutual agreement ☐ Not applicable

24. How is the arbitrator selected? ☐ By the employee ☐ By the employee organization ☐ By the employer ☐ Joint selection ☐ Not applicable ☐ Other _____

_____

25. Is there provision for settlement of a joint selection impasse? ☐ Yes ☐ No ☐ Not indicated

26. Arbitration is conducted by: ☐ Single permanent arbitrator ☐ Individual selected from permanent panel ☐ Individual selected from list of names submitted by parties ☐ State agency: _____ ☐ Federal agency: _____ ☐ Not indicated ☐ Not applicable

27. Who bears the expenses of arbitration? ☐ Employee organization ☐ Employer ☐ Expense shared ☐ Not indicated ☐ Not applicable

28. Are provisions made for minority organization representation at any step in the grievance process? ☐ Yes ☐ No ☐ Not indicated

Sample forms for filing a grievance are reprinted here, in alphabetical order, for illustration only; no endorsement, approval, or preference of these forms by the National Education Association or by the NEA Research Division is implied.

ANN ARBOR PUBLIC SCHOOLS
Ann Arbor, Michigan
Cafeteria, Custodial-Maintenance, Bus Driver
Grievance Report Form
(This form must be filled out in duplicate)

Step I

Prior to completing this form, the employee should discuss his problem or complaint with his immediate supervisor and/or principal.

Step II

A. Name:_____ Date: _____

School or Department: _____

B. Employee's statement of grievance, including recommended settlement:

_____

_____

_____

_____

_____

Date given to Supervisor: _____

Employee's Signature: _____

C. Supervisor's decision: _____

_____

_____

_____

_____

_____

Date returned to employee:_____

Supervisor's Signature: _____

D. Is settlement satisfactory to employee? Yes____, No_____.

_____

Employee's Signature

Grievance Report Form

Step III

A. Business Manager's decision: _____

_____

_____

_____

_____

_____

Date given to employee: _____

Business Manager's Signature: _____

B. Is settlement satisfactory to employee? Yes _____, No _____.

_____
Employee's Signature

Step IV

A. Director of Personnel's decision: _____

_____

_____

_____

_____

_____

Date given to employee: _____

Director of Personnel's Signature: _____

B. Is settlement satisfactory to employee: Yes _____, No _____.

_____
Employee's Signature

C. This decision may be appealed to the Board of Education through the Superintendent of Schools.

JEFFERSON UNION SCHOOL DISTRICT
California
Notice of Employee Dissatisfaction

Date _____

1. Name: _____ Classification: _____

   School or Dept. _____

2. Description of Problem:

3. Action Requested:

4. I discussed this with my immediate superior on (date): _____ Signed: _____

---

5. COMPLAINT REVIEW - First Level Date received: _____

   Decision:

   Signature: _____ Title: _____ Date: _____

---

6. REVIEW - Second Level Date received: _____

   Decision:

   Signature: _____ Title: _____ Date: _____

---

7. REVIEW - Assistant Superintendent-Personnel Date received: _____

   Decision:

   Signature: _____ Title : _____ Date: _____

---

8. FINAL REVIEW by Superintendent Date received: _____

   Decision:

   Signature: _____ Title: _____ Date: _____

(Attach additional sheets if needed.)

PROPOSED GRIEVANCE FORM

Levittown, New York

TO_____ **DATE SUBMITTED**_____

FROM_____

NATURE OF GRIEVANCE

SIGNATURE_____

POSITION_____

- - - -

New Rochelle, New York

GRIEVANCE FORM

TO: _____ **DATE SUBMITTED** _____

FROM: _____ **NAME OF REPRESENTATIVE** _____

NATURE OF GRIEVANCE:

SIGNATURE _____

POSITION _____

- - - -

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number
Assigned by the
Clerk of the Board
of Education

_____

_____

GRIEVANCE PROCEDURE

CERTIFICATION FOR FILING BY THE CLERK OF THE DISTRICT

Complainant: _____

Residence: _____

	Dates of Receipt by the Clerk of the District
Complaint (Step 1)	_____
Response to the Complainant (Step 1)	_____
Petition in Appeal to the Superintendent (Step 2)	_____
Notice of Hearing by the Superintendent (Step 2)	_____
Decision of the Superintendent on Appeal (Step 2)	_____
Petition in Appeal to the Board of Education (Step 3) . .	_____
Notice of Hearing by the Board of Education (Step 3) . . .	_____
Decision of the Board of Education on Appeal (Step 3) . .	_____

I hereby certify that the attached documents are true copies of all of the complaints, petitions, responses, testimony and supporting data in the grievance identified by name and number above, and I further certify that this file represents a full and complete record of the entire proceeding.

Seal:

Signed _____
Clerk, Board of Education
City School District
Syracuse, New York

This certification shall be attached to the official copy of the record of the proceedings described above. Such record shall be maintained in a confidential file in the offices of the Board of Education and shall be subject to the examination only of those persons specified in the district policies which govern grievance procedures. Other persons shall be allowed access to these documents only on the presentation to the Clerk of the District of an order issued by a legally constituted court of law.

G.P. 1

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number
Assigned by the
Clerk of the Board
of Education

Received by:

Date:

GRIEVANCE PROCEDURE

Pursuant to Chapter 554, Article 16 of the General Municipal Law of the State of New York and to Grievance Procedures for certificated and non-teaching employees of the City School District, Syracuse, New York, as approved by the Syracuse Board of Education.

STEP NUMBER ONE - Complaint

I, the undersigned, alleging a grievance, do hereby present this complaint to my principal, department head for consideration.
(cross out one)

1. Complainant's Name: _____
2. Address: _____
3. Home Telephone Number: _____
4. Position (or Title): _____
5. School (or Department): _____
6. If represented in this matter, state the representative's
   a. Name: _____
   b. Address: _____
   c. Home Telephone Number: _____
7. If the alleged grievance is against an individual, state his or her
   a. Name: _____
   b. Position (or Title): _____
   c. School (or Department): _____
8. The substance of my grievance is:

(complete on page 3)

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number

_____

_____

GRIEVANCE PROCEDURE

8. The Substance of my Grievance is:

I also submit the following data which I believe to be pertinent to this grievance: *

* If more space is needed, use additional sheets of 8-1/2 x 11 paper

Dated: _____

_____
Complainant's Signature

Copies of this complaint shall be delivered in person or by mail to the complainant's principal (or department head), the Superintendent of Schools, and the Clerk of the Syracuse Board of Education.

G.P. 3

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number _____

_____

GRIEVANCE PROCEDURE

STEP NUMBER ONE - Response to the Complaint

I, the undersigned, having considered Grievance Number _____

filed by _____ on _____
Name of Complainant Date

render the following decision: *

* If more space is needed, use additional sheets of 8-1/2 x 11 paper

Dated: _____ Signed: _____

Title: _____

Copies of this decision shall be delivered in person or by mail to the complainant, the Superintendent of Schools, and the Clerk of the Board of Education.

G.P. 4

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number

_____

Received by the
Superintendent of
Schools
Date_____

_____

GRIEVANCE PROCEDURE

STEP NUMBER TWO - Petition in Appeal to the Superintendent of Schools. (Certificated staff members may elect a hearing before three certificated persons [non-teaching employees may elect a hearing before three employees, teaching or non-teaching] selected as outlined in Step Two of Certificated Grievance Procedures. This committee shall report findings to the Superintendent of Schools.)

I, the undersigned, having received the decision of my Principal (or department head),_____ in Step One of my grievance
name of principal or department head
Number_____ Dated_____, do hereby petition the Superintendent of Schools (or selected committee) to review this decision.

(Additional information, if any, may be submitted below for consideration.)*

* If more space is needed, use additional sheets of 8-1/2 x 11 paper

Dated:_____ Signed:_____
Appellant

Copies of this petition shall be delivered in person or by mail to the person who rendered the decision being appealed, the Superintendent of Schools and the Clerk of the Board of Education.

G.P. 5

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number _____

_____

GRIEVANCE PROCEDURE

STEP NUMBER TWO - Notice of Hearing by the Superintendent of Schools (or selected committee)

Notice is hereby given that the Superintendent of Schools of the Syracuse City School District (or selected committee) will conduct a hearing in the matter of Grievance Number _____ dated _____ and filed by _____ such hearing to be conducted in the Central Offices, Syracuse City School District, 409 West Genesee Street, Syracuse, New York, at _____ (time) on _____ (date).

The following named person(s) (is) (are) directed to appear at the time and place indicated. All parties in this matter are entitled to representation in accordance with the policies of the Syracuse Board of Education.

Appellant's Name _____

Respondent _____
(person who rendered decision being appealed)

Others:

Dated _____

Signed _____
Superintendent of Schools
or

_____
Committee Chairman

Copies of this notice shall be delivered in person or by mail to each of the persons named above and to the Clerk of the Board of Education G.P. 6

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number _____

_____

GRIEVANCE PROCEDURE

STEP NUMBER TWO - Decision of the Superintendent of Schools on Appeal

I, the undersigned, having reviewed the decision of _____
Persons who rendered the

_____ in Step Number One of Grievance Number _____
Decision being Appealed

dated _____ and filed by _____
Complainant

and being the Superintendent of Schools of the City School District, Syracuse, New York, do hereby render the following decision on this appeal: *

* If more space is needed, use additional sheets of 8-1/2 x 11 paper

Signed: _____
Superintendent of Schools

Copies of this decision shall be delivered in person or by mail to the appellant, the persons who rendered the decision being appealed, and to the Clerk of the Board of Education.

G.P. 7

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number _____

Received by
the Clerk of
the Board of
Education

Date _____

GRIEVANCE PROCEDURE

STEP NUMBER THREE - Petition in Appeal to the Board of Education

I, the undersigned, having received the decision of the Superinterdent of Schools in Step Two of my Grievance Number _____ Dated _____ do hereby petition the Board of Education of the City School District, Syracuse, New York, to review this decision.

(Additional information, if any, may be submitted below for consideration.)*

* If more space is needed, use additional sheets of 8-1/2 x 11 paper

Dated _____ Signed _____
Appellant

Copies of this petition shall be delivered in person or by mail to the person who rendered the decision in Step One, to the Superintendent of Schools and to the Clerk of the Board of Education.

G.P. 8

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number _____

_____

GRIEVANCE PROCEDURE

STEP NUMBER THREE - Notice of Hearing by the Board of Education

Notice is hereby given that the Board of Education of the City School District, Syracuse, New York, will conduct a hearing in the matter of Grievance Number _____ Dated _____, and filed by _____ to be held in the offices of the Board of Education, 409 West Genesee Street, Syracuse, New York, at _____ (time) on _____ (date).

The following named persons are directed to appear at the time and place indicated. All parties in this matter are entitled to representation in accordance with the policies of the Syracuse Board of Education. The hearings will be conducted with all testimony taken under oath.

Appellant _____

Respondent in Step One _____
(Person who rendered the decision being appealed)

Respondent in Step Two _____
Superintendent of Schools

Others:

Dated _____ Signed: _____
President, Board of Education

Copies of this notice shall be delivered in person or by mail to each of the persons named above and to the Clerk of the Board of Education.

G.P. 9

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number

_____

_____

GRIEVANCE PROCEDURE

STEP NUMBER THREE - Decision of the Board of Education on Appeal

I, the undersigned, having presided at the hearing on the appeal in the matter of Grievance Number_____dated_____, filed by _____, and appealed to the Superintendent of Schools whose decision was rendered on_____, do hereby certify that attached hereto are the findings of fact, conclusions and decision of this Board of Education.

date

The members of the Board of Education who were present at this hearing, and their votes are recorded as follows:

This decision shall be final and binding on all parties concerned. The Clerk of the District is hereby directed to certify one complete copy of these proceedings with all supporting data and exhibits and file such copy in the offices of the Board of Education in accordance with the existing policies of the District. All other copies related to this proceeding may be destroyed at the discretion of the parties having custody of the same.

Dissenting opinions and additional concurring majority opinions may be attached hereto and shall bear the signature of each member of the Board of Education who wishes to endorse such opinions.

Dated:_____ Signed:_____
Presiding Officer

Copies of this decision shall be delivered to the appellant, the person who rendered the decision at Step One, the Superintendent of Schools and the Clerk of the District.

G.P. 10

BOARD OF EDUCATION
City School District
Syracuse, New York

Grievance Number _____

_____

GRIEVANCE PROCEDURE

STEP NUMBER THREE - Decision of the Board of Education on Appeal

Findings of Fact*

Conclusions*

Decisions*

* If more space is needed use additional 8-1/2 x 11 paper

Copies of this decision shall be delivered to the appellant, the person who rendered the decision at Step One, the Superintendent of Schools, and the Clerk of the District.

Signed: _____
Presiding Officer

G.P. 11

TORRANCE UNIFIED SCHOOL DISTRICT
California
GRIEVANCE REPORT

Date

TO: Assistant Superintendent - Personnel Services

Name

School or Department

Classification

The procedure for handling grievances is outlined in administrative policy 4600.2, adopted by the Board of Education in 1950.

You are reminded that the submission of this report does not constitute a reflection on you or your work. It is through the clarification of misunderstandings that the administration is able to provide a better working environment for all personnel involved in the education of Torrance children. These reports also focus attention on areas where policy formulation or revision may be necessary.

Statement of Problem:

Signature of Employee Representative

Signature

Rev. 8/64